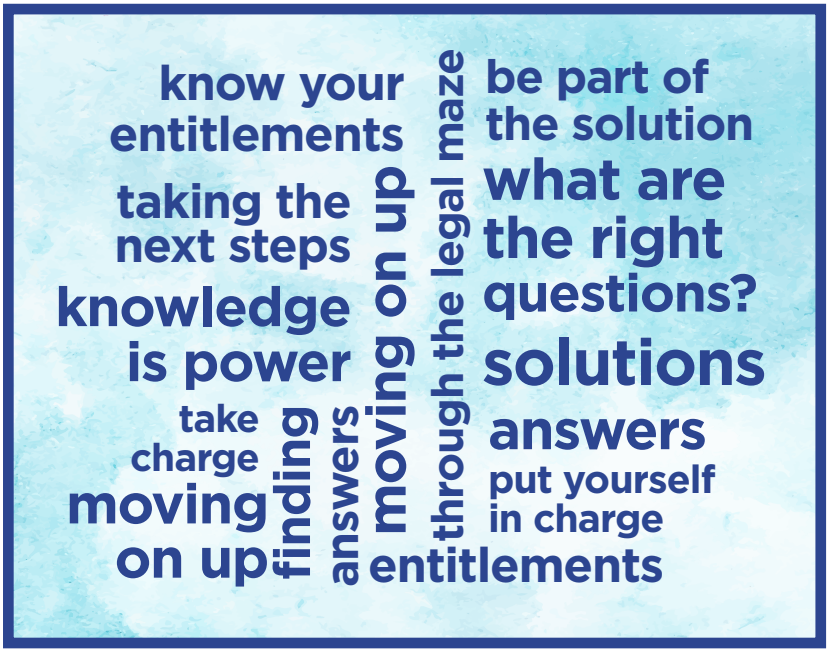
FRESH THOUGHTS

Information and Support for Women Fleeing Domestic Abuse in Wiltshire



Compiled by: Soroptimist International Poole, Purbeck and District

Soroptimist International
Salisbury and Swindon

INTRODUCTION

This booklet has been produced by Soroptimist International Poole, Purbeck and District Club to provide information and support to women who have experienced or are experiencing, domestic abuse. **SI Salisbury** and **SI Swindon** are grateful to have been permitted to tailor this booklet for use in Wiltshire. Soroptimist International is a worldwide organisation of women. It works to transform the lives of women and girls through education, empowerment and enabling opportunities.

Soroptimist International
Salisbury and Swindon

STANDING UP
for Women and Girls

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WHAT HELP DO YOU NEED?

The Court Process - where do I fit in?
Pages 8-14

Personal and online safety.
Pages 4-5

Money
Benefits
Housing
Pages 15-18

How does the Law protect me?
Pages 6-7

Organisations I can contact
Page 18-19

Next Steps Moving On

ONLINE PERSONAL SAFETY

This is about you personally and your digital presence.

Technology, in the form of a mobile phone, may have been used or is being used to abuse/harass you so you'll be very aware that it can be used harmfully. However, you will need to connect with those who are supporting you so it's important that you think carefully about your activities in the digital world.



Here are a few tips which may help to keep you safe:

The Bright Sky App is a free app that lets users assess how safe their situation is and provides a UK-wide directory of specialist support services.

Phoning on a mobile

If you are in a place of safety, you will want your location to remain a secret, so be very careful who you call using your phone. Using mobiles is so much a part of everyday life that we use them without thinking.

Never tell anyone which town or county you are living in.

Don't mention any streets, shops, schools or public buildings that could identify your location.

Remember that photos – taken by other people and even selfies – can identify where you are.

If you always take these precautions when using your mobile phone for any task, then you won't be caught out on a social media platform where someone who doesn't know your situation passes on information innocently.

Family members, children and parents

This is much more challenging, as your children will want to talk to their friends. How can they do this safely? Give them things they can write or say in communications, rather than a list of what they can't, but remind them not to name their school(s). If your children attend school or college, ask to speak to the Safeguarding Officer. They will reassure you about the safety of your children and make sure that teachers or lecturers understand and can be supportive. If you want your child to attend a nursery, or get involved in any local activities, check the Wiltshire Council websites for information. It is listed under Family Information Service. Nurseries also have Safeguarding Officers.

https://www.wiltshire.gov.uk/children-young-people-schools-support https://wiltshirefamilyhubs.org.uk/about/ https://www.swindon.gov.uk/info/20045/family_support_services

If your parents are aware of your situation, they will have your best interests at heart but they will need to be reminded of the importance of anonymity. Brothers, sisters, and any other close family members, also need to be reminded to protect their communications with you.

Deleting browser history

The person you are worried about must not know that you have been seeking support. As they might track what you are doing online, you can delete your browser history to increase your privacy. If you delete your entire browser history it may look suspicious, so delete only the entries related to seeking support around domestic abuse.

Depending on your browser type and device, there are slightly different ways of deleting entries in your history. If you aren't sure how to do this, you can find instructions on the browser's webpage. Remember to delete this entry in your search history as well.

There are lots of tips about how to do this on this website:
https://www.nationaldahelpline.org.uk/browse-safely





MAKING AN URGENT 999 SILENT CALL TO THE POLICE

https://www.policeconduct.gov.uk/our-work/key-areas-of-work/silent-solution



HOW THE LAW CAN PROTECT YOU

If you have been threatened with, or experienced, physical violence in the last 10 days the National Centre for Domestic Violence (NCDV) can provide free legal aid and help you apply for an emergency injunction. There are three types of injunctions or Court orders;

Prohibited Steps Order
Occupation Order
Non-molestation Order

The NCDV will assess your eligibility and identify the best course of action for you. Telephone 0800 970 2070 or Text NCDV TO 60777 ***(both free of charge).***

LEGAL AID

You might be able to get legal aid if you have evidence that you or your children have been victims of domestic abuse or violence and cannot afford to pay legal costs.

What counts as domestic abuse for legal aid? You or your children must have been victims of either:

- domestic abuse or violence.
- financial control, for example being stopped from accessing a joint bank account.

You'll usually need to show that:

- your case is eligible for legal aid.
- the problem is serious.
- you cannot afford to pay for legal costs.

When you have the evidence, show it to your legal aid solicitor.

You can ask for evidence from:

- the Courts.
- the police.
- a multi-agency risk assessment conference (MARAC).
- social services.
- a health professional, for example a doctor, nurse, midwife, psychologist or health visitor.
- a refuge manager.
- a domestic violence support service.
- your bank: for example credit card accounts, loan documents and statements.
- your employer, or education or training provider
- the provider of any benefits you've received.


Salisbury


Swindon

WHAT WILL HAPPEN IF MY CASE GOES TO COURT?

Victim Personal Statement
It is your right to write a Victim Personal Statement in your own words. You can explain the effects of the offence on you and your children, as well as the harm caused, whether it is emotional or physical. You can get support when writing it. You can read it out in Court yourself, but more often the Crown Prosecution Service (CPS) reads it out on your behalf before sentence is passed. You can change it at any time before it is read out.

Will I have to go to Court?
It is very unlikely that you will have to go to Court, but you can choose to go and sit in the public seats. The only time you will have to go is if the defendant pleads not guilty and you are called as a witness. If this happens you will be taken to a separate waiting room when you arrive and looked after by 'witness support' who will explain everything in detail and stay with you. They can take you into the Court while it's empty and the lawyer for the Crown Prosecution Service (CPS) will tell you what you will be asked and answer your questions.

Which Court will I go to?
All criminal cases start in the Magistrates' Court, and they deal completely with over 90% of cases. Domestic Abuse cases will nearly always be heard in a special DA Court in Swindon or Salisbury. These are public Courts so you can take family or friends with you. Magistrates will hear the evidence and pass sentence.

Will I be protected before the case goes to Court?
Yes, if the Police believe you need protection, they can issue a Domestic Abuse Protection Notice (DAPN) and then go to the Courts for a Domestic Abuse Protection Order (DAPO). These are currently being piloted in several forces across the country.
The DAPN is being introduced as a new form of immediate protection and the DAPO will provide longer-term, more flexible protection for domestic abuse victims.
They are designed to protect you and your children and break the cycle of abuse with robust conditions which if broken can lead to arrest.
However, many police forces are still applying for Domestic Violence Protection Orders (DVPO). which prevent whoever you're frightened of from contacting you. A DVPO lasts for 14 – 28 days which gives you time to consider other ways to protect yourself, e.g. going to the Family Court. If successful, DAPOs will replace DVPOs everywhere.

WHAT HAPPENS WHEN THE DEFENDANT (person who is accused) GETS TO COURT?

The defendant will have been charged with an offence. Although there is no actual Domestic Abuse offence, the following are common offences seen in a DA Court:

Assaults - This can range from:

- Common assault – lowest level of force
- Actual bodily harm – serious injury.
- Grievous bodily harm – very serious injury or wounding.
- Grievous bodily harm with intent – extremely serious and must be sent to the Crown Court.

Harassment - Ranges from minor harassment to causing fear of violence. Increasingly this involves use of social media, such as Facebook.

It could include:

- Stalking.
- Controlling and coercive behaviour. This has a serious effect on the day-to-day activities of the complainant, such as controlling their finances, isolating them from family and friends or gas lighting - the act of persuading someone that what they are seeing or experiencing is not real.

The defendant may also be charged with Criminal Damage and Public Order offences.

The Magistrates make several decisions

- First, the defendant is asked by the Legal Clerk if they are guilty (admit the crime) or not guilty (deny it).
- If they plead not guilty the case will be adjourned for preparation for trial and bail will be considered.
- If they plead guilty the Crown Prosecution Service (CPS) outlines the case. They work for the state and are independent of the police and the Courts. Their role is to prosecute in the public interest.



- The defendant will usually have a lawyer who represents them in Court and puts their case.
- Some offences carry a maximum sentence of over 1 years' custody. The magistrates now need to decide if they think this is likely. If so they will send the case to the Swindon or Salisbury Crown Court. This is only for the most serious offences.
- If the offence is unlikely to lead to a community sentence or custody the magistrates may sentence straight away. If it is a more serious offence, they will need to adjourn it to another day. In this case they will need to decide on Bail. This can be Unconditional or Conditional. If bail is refused the defendant is held in custody.

What happens next to the defendant?

They will be sentenced by the Court. There are national sentencing guidelines for each offence. However, the CPS will highlight 'aggravating features' which make the crime worse, and the defence will bring 'mitigation' to explain why the offence occurred. If the defendant pleads guilty early on, the sentence will be lower.

BAIL DECISIONS

YOU COULD BE PROTECTED BY BAIL DECISIONS



UNCONDITIONAL BAIL
is a fundamental Right.

Is there a risk that the defendant:
- Will not turn up?
- Will commit another offence?
- Will interfere with witnesses?

NO

YES

Can conditions on bail satisfy the risk?

YES

Give bail but with conditions.

YES

NO

NO

If convicted, is a custodial sentence likely?

YES

CONDITIONS IMPOSED
For example:
- Curfew or a bail hostel
- No contact with.....
- Don't go to or enter.....
- Must live and sleep at.....

Remand in custody

FAMILY COURTS

The Family Court exists to help families resolve disputes involving children and the breakdown of relationships.For instance it may decide who they should live with, how much contact should take place or which school the child should go to. They can also involve grandparents and other relatives. The proceedings are more informal than those of the Criminal Court to reflect the sensitive nature of the proceedings and the need not to increase the distress of those involved.

The primary consideration of the Family Court is the welfare of the children and whether domestic abuse is alleged. There are rules for example, Practice Direction 12J, the Court must follow in cases concerning children when there has been domestic violence.

Victims of domestic abuse include people who have been in a relationship, have been intimate, have lived together or are family members.
The Court can protect them and their children from their abuser by a **non-molestation order** and/or by way of an **occupation order** to secure their home.

The Children and Family Court Advisory and Support Service (CAFCASS) will assist and support the Family Court in making decisions and can, if ordered, report on the welfare of children.

Where legal aid is not available and a parent cannot afford representation, they may represent themselves or have the help of a person sometimes referred to as a McKenzie Friend.
A McKenzie Friend can provide moral support, take notes, help with case papers and give advice and can be a family member or friend. Some charities and organisations provide McKenzie Friends for free like the Citizens Advice Bureau.



SPECIAL MEASURES IN COURT

It is your right to ask for Special Measures in the Court to protect you and make you feel more comfortable.

Special measures are available for victims attending the criminal Courts to give evidence during a trial. In the Family Court, a victim of domestic abuse may have to attend Court because they are a party in the case. Therefore they could be at risk of abuse from:

- Another party in the case
- The relative of another party in the case
- A witness in the case

There may be ground rules to consider which special measures might need to be put in place.

You can request the other party to remain in the Court building for some time after you have left.

If you have given evidence about the same events in the Criminal Court and it has been recorded, the Family Court can use that evidence, so you don't have to repeat it.



Examples of Special Measures:

- Very importantly, the defendant cannot cross-examine you. Instead the Court will appoint an advocate ***(usually a local lawyer)*** to do this.
- A live video link can be set up so that you are in a separate room, not in the Court.
- Screens can be put up in the Court so the defendant and complainant ***(that's you)*** can't see each other.

SENTENCING



In addition to the sentence the Court will usually order:

- Surcharge for victim services
- Court costs which are higher for not guilty pleas as a trial is involved
- Compensation which is paid directly to the complainant

CUSTODY

(Immediate or suspended) (Max 1 year in Magistrates' Court)

COMMUNITY SENTENCE

(Up to 12 months) Usually with conditions (for punishment and rehabilitation)

FINE

(Depends on the offence and defendant)

DISCHARGE *(2 types)*

Could be **absolute** although this is very rare. Means guilty but not being punished.

LEAST SERIOUS

HOW WILL THE COURT'S DECISION PROTECT ME?



As well as the defendant being sentenced the CPS may ask for a Restraining Order to be made. This includes but is not restricted to:

- Preventing the defendant going to where the complainant lives.
- Preventing any or certain types of contact with the complainant which includes all forms of social media.
- Warning the defendant that if they break these rules they will be arrested and could face custody.

Another order a Court can make is a Stalking Protection Order.

This can last for years and is only made if:

- The defendant has carried out acts associated with stalking.
- They are a risk to you.
- The order is needed to protect you.

MOST SERIOUS

Immediate (Straight to prison)

Suspended for a time and only activated if the defendant breaks the conditions set by the Court

Punishment e.g.
Unpaid work
A curfew and/or a tag

Rehabilitation e.g.
Anger management
Drug or alcohol rehabilitation

Amount depends on seriousness of offence.

It also depends on the defendant's ability to pay

Conditional Discharge is often used. This means that the defendant is not receiving punishment this time **BUT,** if any new offence is committed during the period of the discharge, they will be sentenced for the original

Is there any other protection for me?

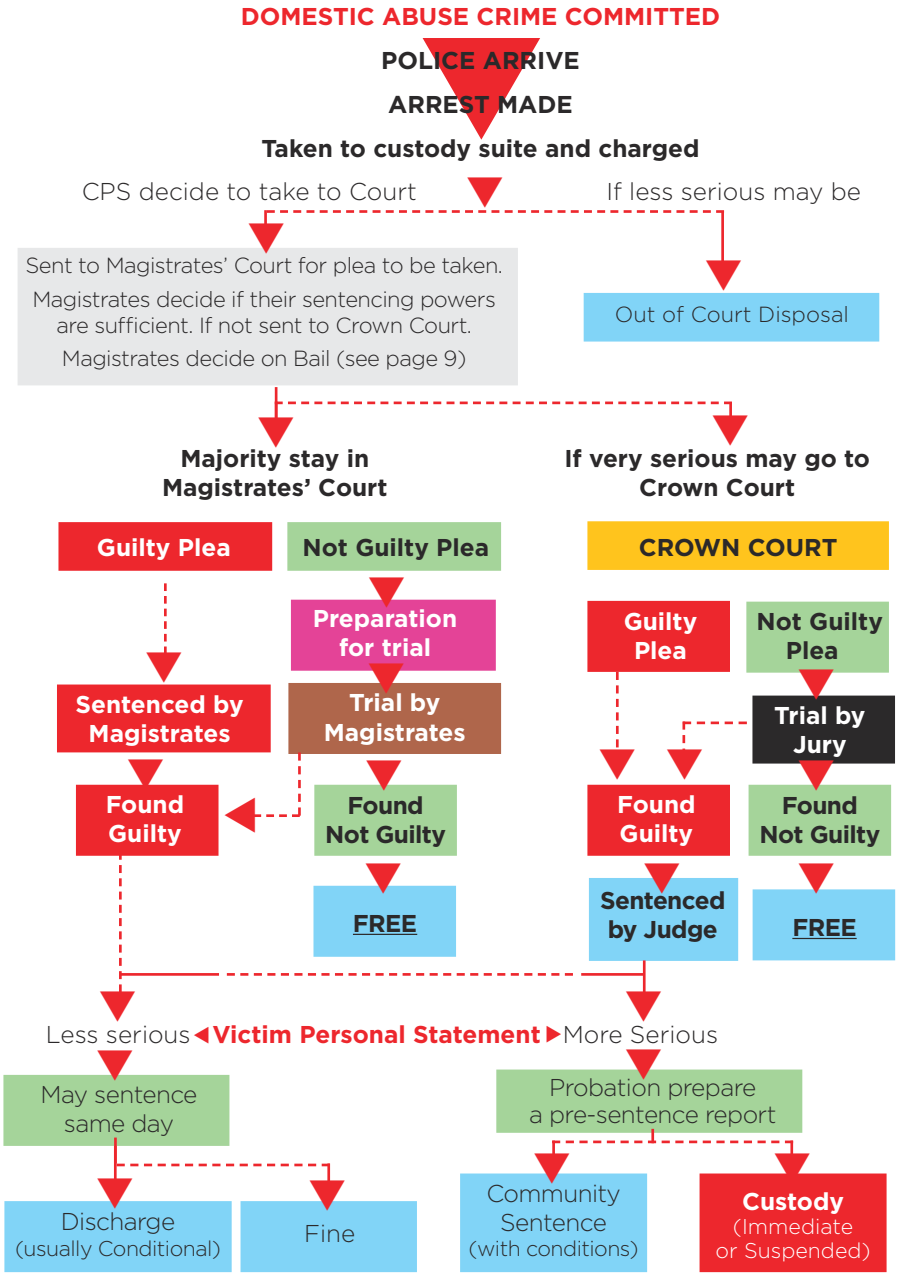
Yes, while the Magistrates' Court deals with sentencing the defendant, you may find that you will need to attend the Family Court which is in Swindon or Salisbury. The specially trained magistrates here deal with issues such as contact, parental responsibility and child protection and can also issue orders to protect you.

These include:

- **A non-molestation order** to protect you and any children even if you live together. They could be told not to contact you, not to go to your workplace and not to intimidate, harass or threaten you.

- **An occupation order** is about who can live in the family home. It could order someone to move out, keep a distance from the home, only use certain rooms in the home, continue to pay the mortgage or rent or allow you back in the home if you have been locked out.

COURT PROCESS SUMMARY



INCOME

How can I get some money if I'm not working or can't work now?

As of March 2023 government funding has been allocated to Women's Aid to provide for urgent financial support in the form of a one-off payment. To obtain this funding you would need to be referred by a worker for an organisation that provides services to victims of domestic abuse. The funding will be made available through a variety of means ensuring that your financial situation is considered. This obviously depends on your previous situation, your age, any dependants and where you are living; however there are three main sources of continuing income from the Department of Work and Pensions.



Jobseekers' Allowance/ Employment Support Allowance

If you have worked in the last two to three years and you are now either looking for work or are too unwell to work, you can claim Jobseekers Allowance (JSA) or Employment Support Allowance, based on your national insurance contributions.
It doesn't matter how much money you have in savings, as these are not means-tested benefits.
If you've been a victim of domestic abuse and are claiming Jobseekers' Allowance, you are entitled to a break from job seeking and work preparation requirements for up to 13 weeks. This period can be extended at the discretion of your Jobcentre Work Coach, so contact them and tell them about the domestic abuse you have been experiencing.
Employment Support Allowance may be relevant to your circumstances; if you are too unwell to work you will need to have a Fit Note from your GP to start this claim.
Contact the Jobcentre Plus new claims helpline if you feel that you may be entitled to either of these benefits.
Telephone: 0800 055 6688.



Universal Credit: means tested

Universal Credit (UC) is a working-age benefit paid whether you are in or out of work. It is made up of different parts and includes amounts to help cover costs for children, childcare and housing.
If you have fled domestic abuse, you will have to claim Universal Credit in the following circumstances if you:

- Have children and were previously receiving Tax Credits as a couple.
- Have become liable for rent for the first time or move to a different local authority area.
- If you move within the same local authority and have been claiming housing benefit, you can carry on doing that at your new address.
- Have stopped working or become unable to work due to illness.
- Want to make a new claim for a 'legacy benefit'.



Pension Credit: means tested

Pension credit is a benefit paid if you are over working age (currently 66). Contact Citizens Advice if this applies to you.

TIPS AROUND UNIVERSAL CREDIT

for women who are fleeing abuse.



Tell your 'work coach' at the Jobcentre Plus about your circumstances as early as you can. Most UC claimants are required to look for, or prepare to look for work. These are called 'work-related requirements. However, work-related requirements should be lifted for 13 weeks if you have experienced domestic abuse in the last six months. If you have children, this should be extended for another 13 weeks. If your children have been affected by experiencing or witnessing domestic abuse, you can have a further break on your work-related requirements of up to one month every six months for a period of two years following the abuse or violence.

'Work related activity' requirements should also be relaxed if your youngest child is under two. If your youngest child is aged three or over, you can agree limitations on hours of work around your childcare commitments.

UC is usually only paid after the first five weeks. You can ask for an advance if you are struggling financially. However, you will have to pay back any advance payments through deductions from your UC payments when they come through.

If you are in temporary or specified accommodation you will have to claim Housing Benefit until moving to permanent accommodation. UC is usually paid all in one monthly payment into your account. You can ask for your payment to be made more frequently such as twice a month, or for the amount for rent to go directly to your landlord.

If you are still living with your partner, you can ask for the UC payments to be split. However, bear in mind that your partner will know this has happened. Staff at the Jobcentre Plus have been trained to help women fleeing abuse relationships and should support you.

If you were previously getting UC as a couple and have left your former partner, you must tell the Department of Work and Pensions (DWP) about your 'change in circumstance' as soon as possible. If UC was being paid into your former partner's account, you must tell the Department of Work and Pensions (DWP) your bank details straight away, so that any payments come to you.
If you have not already got your own bank account, set one up as soon as possible so you can receive benefits in your own name. Your domestic abuse support worker can help you to set up a bank account. If you've had a joint bank account with your partner, remember that any actions, like withdrawing money, buying food, clothes or coffee will show up on those joint account statements.

How to claim Universal Credit

Most claims for UC are started online via the Government's website: https://www.gov.uk/browse/benefits/looking-for-work

If you want to start a claim by phone, call the Universal Credit helpline on: 0800 328 5644

Mention your situation.



HOUSING INFORMATION

Since 2021 you have a priority need if you are homeless because of domestic abuse. You can make a homeless application to a local Council who will investigate your situation.
They must not approach your abuser but, with your permission, the Council can speak to your friends or family, social services, health professionals, domestic abuse support services or the police to confirm your situation. You are also eligible for assistance if you have refugee status or indefinite leave to remain in the UK.

The Housing Solutions Service at Wiltshire Council.
Website: www.wiltshire.gov.uk/housing-housing-solutions-contact-details
Email: homeless@wiltshire.gov.uk
Tel: 0300 456 0106
In an emergency call 0300 456 0100

Swindon Housing Team:
Email:housing@swindon.gov.uk or hoptions@swindon.gov.uk
Tel: 01793 445503
Out Of Hours: 01793 445500

They will tell you your next steps.
It is always a good idea to have your national insurance number to hand.

You may not find it easy to talk to a housing officer about your situation.

Domestic abuse charities have trained advisers to help you to talk to the Council.



USEFUL CONTACTS

ASSAULT/ABUSE

Wiltshire Police
Website: www.wiltshire.police.uk/advice/advice-and-information/daa/domestic- abuse/support-organisations/

SUPPORT ORGANISATIONS
Fear Free
Providing services for victims of Domestic Abuse and their families in Wiltshire.
Website: FearFree.org.uk/refer/wiltshire
Email: spa@fearfree.org.uk
Tel: 01225 775276 M-F 9-5
Tel: 01225 712880 out of hours

Paragon Swindon
Commissioned by Swindon Borough Council to provide support services to anyone affected by domestic abuse.
Website: paragonteam.org.uk/teams/swindon/
Email: ParagonSwindon@theyoutrust.org.uk
Tel: 0800 917 8565
24/7 Helpline 01793 610610

First Light (in Swindon)
Sexual Assault Referral Centre for Wiltshire. A safe place with confidential practical and emotional support from a team of specialist staff, with or without police involvement.
Website: www.firstlight.org.uk/our-services/sarc-swindon/
Tel: 01793 781917

Spurgeons
Supporting families in Wiltshire at hubs in County Hall, Trowbridge, Monkton Park, Chippenham and Five Rivers Leisure Centre, Salisbury
Tel: 0800 970 4669
Website: wiltshirefamilyhubs.org.uk

SWA (Society Without Abuse) Swindon
Working with anyone affected by abuse. Raising awareness, improving education. Engaging with perpetrators who wish to change in Swindon and surrounding area.
Website: societywithoutabuse.org.uk/
Tel: 01793 698001

NATIONAL ORGANISATIONS

NSPCC
The Uk's national children's charity
Tel: **0808 800 5000**

National Domestic Abuse Helpline
Tel: 0808 2000 247

Women's Aid
Working to make all women and children safe from domestic abuse.
Website: www.womensaidinformation-support/what-is-domestic-abuse/

Home Office
Comprehensive information about domestic abuse and where to get help.
Website: www.gov.uk/guidance/domestic-abuse-how-to-get-help

LEGAL

Crown Prosecution Service
Information about the legal process.
Website: www.cps.gov.uk/legal-guidance/domestic-abuse

FLOWS
Finding Legal Options for Women Survivors
Free legal advice for any woman who is experiencing, has previously experienced or is fleeing Domestic Abuse.
Information about Legal Aid providers
Website: flows.org.uk
Website: www.supportline.org.uk/problems/legal-advice/
Tel: 0203 745 7707

Law Works
Connects volunteer lawyers with people in need of legal advice, not eligible for legal aid and cannot afford to pay.
Website: www.lawworks.org.uk/

McKenzie Friends
Free 30 minute consultation. Can provide someone to accompany to court
Website: www.mckenziefriendlawsupport.co.uk/wiltshire
Tel: 07878 896044

OTHER

Wiltshire Bobby Van Trust
Free service for home security solutions and online safety advice for people experiencing domestic abuse throughout Wiltshire and Swindon.
Website: www.wiltshirebobbyvan.org.uk/
Email: BobbyVan@wbvt.org
Tel: 01225 256867

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please use the QR code or visit:
www.sigbi.org/salisbury/club-projects/fresh-thoughts
or email: FreshThoughts@gmail.com

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STANDING UP
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