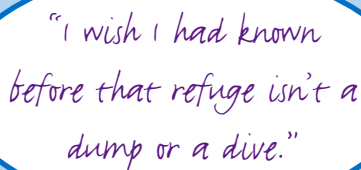


## A Safe Place to Stay

You have the right to feel safe in your own home. This leaflet explains your rights whether you decide to stay in your own home or leave it temporarily or permanently. It also tells you about services in East Lothian which can help.

### Your rights

If you are experiencing domestic abuse, you have rights under the law. This includes the right to stay in your home and make your partner leave, and the right to move to safe temporary and/or permanent housing. Some rights are not automatic and you may need to go to court to enforce them. The law is quite complicated and your rights vary depending on your circumstances, so it is best to speak to an adviser about your options. East Lothian Women's Aid or staff from East Lothian Council Homelessness Unit can discuss these with you.



*"I wish I had known before that refuge isn't a dump or a dive."*

### Your right to stay in your own home

If you are the tenant/joint tenant or owner/joint owner of your home you have an automatic right to stay in your home (occupancy rights). You can apply to the court for an exclusion order (see below).

You have the same rights even if you are **not** the tenant/joint tenant or owner/joint owner of your home but are **married** to/in a civil partnership with your abusive partner.

If you are **not married**/in a civil partnership and you are **not** the tenant/joint tenant or owner/joint owner, you have to apply to the court for occupancy rights. You can apply for an exclusion order (see below) at the same time.

## A Safe Place to Stay

### Refusing to allow your partner into the house

If you are the **sole** owner or tenant of your house and are **not married** or in a civil partnership, your partner has no right to stay in the house. You do not need a court order to make him leave. You can change the locks and refuse to let him in. If he refuses to go, you can ask the police to remove him or apply to the court to have him removed. You may need somewhere else to stay while this is happening (see below).

### Excluding a violent partner

If you have occupancy rights (see above) you can apply to the court for an exclusion order. This suspends a violent partner's right to live in the house and forces him to leave. You can ask the court to attach a power of arrest to the order. This means that if he breaks the order he faces arrest, court action and a fine or imprisonment.

### Leaving your home

If you have to leave your home because of domestic abuse, you have a right to temporary and permanent housing obtained by East Lothian Council. You have this right whether or not you have dependent children. It is possible to transfer to another council area if it's not safe for you to stay in East Lothian.

East Lothian Council will assess you as 'homeless' and consider you as being in 'priority need' for housing because of the abuse. You are homeless, even if you have somewhere to stay, if you cannot get into it or there is a threat from a partner or ex-partner if you continue to stay there.

You need to apply to East Lothian Council. The council may make enquiries about your application and must give you a safe place to stay while doing so.

## A Safe Place to Stay

If it is an emergency, the council must provide safe temporary accommodation for you and any children. There are different types of temporary accommodation including furnished houses and flats and Bed & Breakfasts (but if you have children with you, you will not be expected to stay in a B&B for more than two weeks). East Lothian Women's Aid also provides safe refuge (see leaflet 9).

### What to expect from East Lothian Council

Council staff know that it may be difficult for you to ask for help, so the following may set your mind at rest:

- They will not ask you to prove that you have been abused
- They will not contact your abusive partner
- If they need to make enquiries to support your application, they may contact any individuals or organisations you think may be able to help. But they know that you may not have told anyone about the abuse
- In finding permanent accommodation for you, they will try to cause as little disruption to your family life as possible. They will take into account where your children go to school, where you work and any health or other needs
- They can tell you about other services which can help and can also refer you to the police domestic abuse liaison officer for support

### Info about rent and mortgage

Your rights to temporary or permanent accommodation are not affected by any rent arrears on your current tenancy.

You may need help to pay the mortgage or rent on your home. East Lothian Women's Aid and East Lothian Council can explain more about the help available. It is important to speak to someone as soon as possible for your own peace of mind and to avoid any arrears building up. See also leaflet 8.

## A Safe Place to Stay

You may be able to claim double housing benefit for up to a year to pay rent on your main property and any temporary accommodation. This can give you time to decide your next steps.

### Ongoing safety

You can use the law to protect yourself and your children from a violent partner, to stop him intimidating you or coming near you or your home (see interdicts and non-harassment orders in leaflet 7).

You can contact the police domestic abuse liaison officer for advice on making your home secure (see also leaflet 2 on safety). The police may install a panic alarm in your house.

### Contact

Housing/homelessness: phone the Homeless Hotline on 0800 169 1611. You can ask to see a response officer (who deals with homelessness) of either gender and at any council office you choose.

Legal protection: contact East Lothian Women's Aid who can put you in touch with a local solicitor.

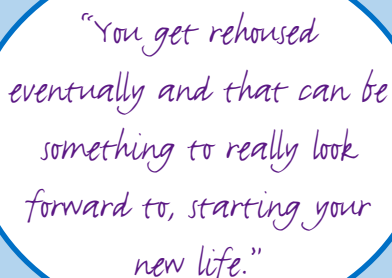
Emergency: phone the police on 999 or, if it's a housing emergency 0800 169 1611.

**Phone the Scottish Domestic Abuse Helpline in confidence on 0800 027 1234 any time, day or night.**

Domestic abuse: there's no excuse

**2008**

*Acknowledgement: Greater Glasgow Training Consortium; North Lanarkshire Domestic Abuse Working Group*



*"You get rehoused eventually and that can be something to really look forward to, starting your new life."*