



Domestic distress

FOOTBALL may not, as many briefly dared to believe, have come home this summer, but the 2018 World Cup was not without its dramatic moments.

While Gareth Southgate's squad brought hope of sporting success to a new generation of England fans on the pitch, a powerful poster campaign aimed at tackling domestic violence grabbed the attention of the nation off it.

Launched by the National Centre for Domestic Violence (NCDV) ahead of the Lions' semi-final against Croatia in Russia, the appeal featured an image (pictured above) – depicting a woman with blood pouring from her nose to form a St George's flag – accompanied by the strapline “if England get beaten, so will she”.

The visual was used to draw attention to research conducted by academics at Lancaster University that found police reports of domestic abuse during the World Cups of 2002, 2006 and 2010 went up by 26 per cent when England played and 38 per cent

when they lost.

And although the poster, one of a series of striking pictures used as part of the NCDV's “The Not-So-Beautiful-Game” campaign, used football to thrust the issue of domestic violence into the public's consciousness, statistics show the problem is far from confined to those periods during global sporting spectacles.

In the UK, one-in-four women and one-in-six men experience domestic abuse in their lives and a domestic violence case is reported to police every minute. Perhaps more worrying is the belief held by support charities that only 35 per cent of cases are actually referred to the authorities.

Andrew Woo, a partner and family law solicitor at Brewer Harding & Rowe, acknowledged that confusion over what constitutes domestic abuse could be contributing to many victims suffering in silence.

“Domestic abuse can affect anyone irrespective of background and gender,” he told *Army&You*. “It is a complex area which sadly is often

“Domestic abuse can affect anyone from all walks of life irrespective of background and gender.”

*Andrew Woo,
Brewer, Harding & Rowe*

misunderstood or unrecognised.

“Domestic abuse manifests itself in many ways, all of which are capable of being equally damaging. The most recognisable forms of domestic abuse are physical or sexual assault but it doesn't have to leave physical marks and scars.

“It can include emotional or financial abuse. There are many types of behaviour which can be exhibited as part of domestic abuse including manipulation, isolation from friends or family and use of threats or humiliation which harm, frighten or punish. It can be a single incident or a pattern of behaviour.”

Chrystal Theofanous, a partner at Sills & Betteridge Solicitors, which operates across Lincolnshire and Nottinghamshire, agrees that an absence of physical bruising is not an indicator that all is well in a relationship.

“Being abused isn't just about someone being physically violent, which is a common misconception of domestic abuse, i.e. ‘if my partner is not hitting me, I am not being »



“Being assaulted by someone you know or live with is just as much a crime as violence from a stranger.”

Lisa McLaughlin, The Family Law Company

abused,” she said. “Domestic abuse also includes controlling and coercive behaviour (see *Bad behaviours* on page 61) – such as controlling your finances, going through your mobile phone, making you feel bad for what you wear or for going out socialising.”

Citing harassment, stalking and abuse online through social media sites as further examples, Allen Bailey of Catterick Garrison-based Scotts Wright Solicitors added:

“Domestic abuse can take many shapes and forms. Its meaning has been extended over the years and will no doubt continue to be widened in the future.

“Today, the government definition of domestic violence and abuse is ‘any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.’”

Whatever the official definition, Gail Salway, who heads up the family department at Everys Solicitors, which has offices across Devon and Somerset, believes those on the receiving end are often best placed to judge if they are the victims of domestic abuse.

“In some cases, it will be obvious when a person’s actions amount to domestic abuse, for example if they are physically or sexually violent to the victim. However, other abusive behaviour can be harder to identify,” she explained.

“If you are unsure as to whether you are the victim of domestic abuse, a key question to consider is have you changed the way you do things as a result of your partner’s behaviour or reactions? If the answer is ‘yes’, there is a good chance you are experiencing domestic abuse. If you are aware that your partner behaves and reacts in a more intense way to your friends’ partners, there is likely to be something wrong.”

Gail also stressed that you do not have to share the same domestic set-up with someone to be subject to domestic abuse.

“It is not limited to current and existing relationships,” she continued. “It is possible to experience domestic abuse from an ex-partner where you were in a relationship but have separated.

“Domestic abuse can also occur between relatives, for example young adults towards parent, grandparents, aunts and uncles and between siblings.”

Allen agreed that physical separation is not a silver-bullet solution to ending an abusive relationship and that controlling and coercive behaviour – be it an ex sitting outside your place of work or isolating you from sources of support – can continue.

“Financial or economic abuse is another way your ex-partner can try to exert control over you after you have separated,” he said. “It can arise even though you may live many miles away from each other and have been living apart for several years.

“Examples could be when your ex-partner fails to pay or contribute towards joint bills, forces you to take credit out in your name, or drains or depletes bank accounts.

“This type of abuse can leave victims in dire financial straits, liable for debts they never agreed to and effectively at the mercy of the abuser.”

Lisa McLaughlin, a legal executive at The Family Law Company, also warned that exiting an abusive relationship is rarely easy.

“Sometimes perpetrators will increase their abuse if they suspect you are thinking of leaving and will continue to do so after you have left,” she said. “This can be a particularly dangerous time – it is important to remember that ending the relationship will not necessarily end the abuse.”

Fortunately, there are a number of ways in which the law can protect those who have been the victim of domestic abuse and each of the legal experts featured were united in the advice that affected individuals should not suffer in silence.

“You have rights under criminal law,” stressed Lisa. “Being assaulted by someone you know or live with is just as much a crime as violence from a stranger.”

Lin Cumberlin, a member of the family law team at Batt Broadbent Solicitors in Wiltshire, was also quick to impress the severity of such crimes.

“Domestic abuse is prosecuted as part of the CPS Violence Against Women and Girls Strategy which aims to address crimes committed primarily, but not exclusively, by men against women,” the chartered legal executive said. “However, the CPS Annual »



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Allen Bailey, Scotts Wright Solicitors
scottswright.com



Andrew Woo, Brewer, Harding & Rowe
brewerhardingrowe.com



Gail Salway, Everys Solicitors
everys.co.uk



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Allen Bailey, Scotts Wright Solicitors

Violence Against Women and Girls report includes data on all perpetrators and victims, irrespective of gender, and the CPS have stated that they are determined to secure justice for all victims including male victims.

“If you are the victim of domestic abuse you can report the matter to the police which could result in your abuser being arrested, cautioned or charged.

“Most police stations have domestic violence units or community safety units with specially trained officers to deal with domestic violence and abuse.

“If the abuser is arrested or charged, the police will decide whether to keep them in custody or release them on bail. Conditions will be imposed if they are released on bail to protect the victim from any further abuse or violence. You [those not in SFA] can request that a police marker be placed on your address so that, in the event of further violence or abuse from your abuser, the police can get to you quickly.”

Explaining how a solicitor can help support victims living in private accommodation, Lisa continued: “You can apply for a civil court order to tell your perpetrator to stop

harassing or hurting you (a non-molestation order), or to keep out of or away from your home (an occupation order).

“A non-molestation order aims to ensure the health, safety and wellbeing of you and your children by preventing your partner or ex-partner from using or threatening violence against you or your child, or intimidating, harassing or pestering you.

“An occupation order regulates who can live in the family home and can also restrict the perpetrator from entering the surrounding area.

“If you do not feel safe continuing to live with your partner, or if you have left home because of violence but want to return and exclude your abuser, you may want to apply for an occupation order.”

Andrew also urged those in need of legal protection to not be put off seeking support by the potential cost.

“If you’re trying to leave an abusive relationship, the last thing you want to worry about is how you’re going to pay for legal protection from domestic abuse,” he said. “Although legal aid has been restricted in recent years, it is still available for many victims of domestic abuse. However, there are only certain solicitors that offer legal aid.”

Lin echoed this message of monetary assistance.

“Legal aid is available for those who have experienced or are at risk of experiencing domestic violence for private family law cases,” she concluded. “You will need to pass both the ‘means’ – be financially eligible – and ‘merits’ – have a strong case – tests before you can get legal aid. If you are financially eligible for legal aid you will be required to produce evidence of the domestic abuse you have been subjected to support your application.”

● Visit gov.uk/check-legal-aid to find out if you are eligible for financial aid and gov.uk/legal-aid/domestic-abuse-or-violence for information about evidence requirements. ■



Bad behaviours

Sophie Pincott (*pictured above*), a Family Law & Domestic Abuse Specialist at Swansea-based Peter Lynn and Partners (peterlynnandpartners.co.uk), clarifies what constitutes controlling and coercive behaviour...

“Controlling or coercive behaviour describes behaviour occurring within a current or former intimate or family relationship which causes someone to fear that violence will be used against them on more than one occasion, or causes them serious alarm or distress that substantially affects their day-to-day activities.

“It involves a pattern of behaviour or incidents that enable a person to exert power or control over another, such as isolating a partner from their friends and family, taking control of their finances, everyday activities like what they wear or who they see, or tracking their movements through the internet or mobile phone use.

“The domestic abuse definition specifically states: ‘Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.’

“Coercive behaviour is ‘an act or a pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.’”



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