

Housing options for Lesbian, Gay, Bisexual and Transgender people
experiencing domestic abuse



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Thank you
to everyone
involved in
this guide

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About our partners

The Greater London Domestic Violence Project (GLDVP)

The GLDVP is a second tier service for the London domestic violence sector which works to strengthen the sector by identifying common goals, promoting joint planning and minimum standards between agencies, ensuring that good practice in domestic violence work is transferred across London.

They bring together key agencies to develop London-wide policies, raising awareness about domestic violence and increasing the effectiveness of inter-agency work.

For further information, go to: www.gldvp.org.uk/

Lesbian, Gay, Bisexual and Transgender (LGBT) Domestic Abuse Forum

The lesbian, gay, bisexual and transgender domestic abuse forum is a network of practitioners, activists and researchers working around the issue of LGBT domestic abuse. It exists to provide a forum in which to meet, network and exchange good practice.

For further information contact: lgbtforum@gldvp.org.uk or go to www.gldvp.org.uk

The GLDVP and the LGBT Domestic Abuse Forum recently produced some resources for lesbian, gay and bisexual people who have experienced domestic abuse. For more information on these publications go to www.gldvp.org.uk

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Foreword

Stonewall Housing receives a huge number of calls about domestic abuse on our helpline. This guide is designed to give lesbian, gay, bisexual and transgender (LGBT) people who have experienced domestic abuse an overview of their housing options. It is a guide and will not answer all your questions.

The guide makes reference to specific services and practice in London. This is because Stonewall Housing is a London-focused charitable organisation. Most of the information contained here is applicable across the UK, although housing legislation may differ in Wales, Scotland and Northern Ireland.

If you need further advice or information, please do not hesitate to contact our advice line or one of the organisations listed at the end of this document in 'Further Information'.

Whilst all reasonable care and attention has been taken in writing this publication, Stonewall Housing regrets that they cannot assume responsibility for any omission or error it contains or any loss caused as a result. This guide is meant as initial reading material. Clients experiencing domestic abuse should always seek further advice.

What is domestic abuse?

The Government defines domestic violence as *“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.”* This includes ‘honour based violence’, female genital mutilation (FGM) and forced marriage.

Although this definition includes gender and sexuality, it does not necessarily address the experiences of lesbian, gay, bisexual and transgender (LGBT) people, nor some of the unique aspects of domestic abuse as it affects our communities.

LGBT victim/survivors tell us of experiences with additional complications that include issues specific to their sexuality or gender identity, abuse from past and present sexual partners, polygamous relationship, extended family members, carers, as well as abuse from entire communities (for example communities based on race, religion or disability).

We are aware of the limits of the government’s definition, and the effect this has on victim/survivors both recognising and reporting abuse.

We are also aware that this affects both voluntary and statutory agencies where LGBT domestic abuse can have a low profile, making it difficult to identify, respond and address the needs of the LGBT communities.

If clients experience difficulty accessing services please call Stonewall Housing’s advice line or see *‘Further Information’* that lists both LGBT-specific and generic organisations who may be able to help.

What is domestic abuse?

The list of possible abusive behaviour is extensive. However, as an example, victim/survivors have told us about the following:

- Name calling, shouting, mocking, continuous criticism
- Threats to “out” the person’s sexuality or gender identity
- Threats to kill you or someone close to you
- Biting, punching, cutting, burning, kicking
- Spitting
- Deliberate transmission of sexually transmitted infections (STI’s)
- Sexual coercion
- Rape
- Strangulation
- Threats of bogus reports to the police, social services or other organisations
- Forced marriage
- Imprisonment at home
- Demanding or controlling money, manipulation to take out unaffordable loans, extorting or stealing money
- Restricting contact to friends or family
- Checking phone bills and receipts
- Threatening to commit suicide
- Blaming the person for all of the above behaviour.

Victim/survivors have also told us that emotional abuse is as damaging as physical abuse. It is manipulative and controlling behaviour designed to belittle, humiliate and gain power in a relationship. It makes people feel shocked, confused, angry, hurt, fearful and betrayed.

This guide is about housing rights and options. At the end, there is section (*‘Further Information’*) that lists many other organisations that may be able to give you further advice, information and support. These organisations can offer information about what domestic abuse is, who it affects, how criminal or civil law can protect you and/or hold your abuser to account.

If you have children, then you should seek legal advice as quickly as possible in order to ensure you understand all of your rights and options concerning the care of your children.

What can Stonewall Housing do?

Stonewall Housing believes that every lesbian, gay, bisexual or transgender person has the right to live free from abuse and fear.

We recognise that domestic abuse is widespread in our community and we will try to support the victims of domestic abuse to the best of our ability. We listen without judgement or opinion and will never contact your abuser. Our confidentiality policy is available on request, which covers how we will use any information you give us.

We aim to give you the information you need to make an informed decision about your housing future. If, after reading this, you decide that now is not the time for action, then that's fine. If, on the other hand, you decide you want to take action to change your situation and try to end the abuse you are experiencing, contact us to see how we can help.

All our advice workers are trained in how domestic abuse affects your housing options.

When you call our advice line, the advice worker will take some personal details.

We will talk to you about the safest way to keep in contact with you, for example by phone, post or email. If none of these options are safe for example, because your abuser monitors your calls - then please tell the advice worker and we will arrange an appointment at a safe location to discuss your housing options in person. Our service is confidential and we aim to put your safety first.

How to use this guide

Housing can be a complicated issue. This comprehensive guide has been divided into separate sections, to help you find the information that is most relevant to your individual circumstances. You may not need to read through the entire guide.

If you would like to remain in your home and consider your options, then read the section called **'I'd like to stay at home and consider my options'**.

If you want to stay in your home and make your abuser move out, then read the section called **'I'd like to stay, and make my abuser leave'**.

If you would like to move away from your current home, or the area, read the section called **'I'd like to move away'**.

Within each section you will find information about your options.

There are also two final sections in this guide:

'I still have some questions' - covers a number of other issues such as what happens if you have a pet and what might happen if you have no recourse to public funds. If you haven't found the answer to your questions in the other sections, you may need to look here.

'Further information' - lists other organisations and resources that may be helpful to you.

I'd like to stay at home and consider my options

The prospect of leaving your home can be as frightening as staying. Many people leave their abusers and return several times before they are finally in a position to move towards safety. You may decide you want to try and work out your difficulties in your relationships rather than separate or leave your home. Remember that most legal options will still be available to you. Only you will be able to assess if going through the courts or contacting the police whilst the abuser is still living with you will put you at greater risk of abuse.

Discussing your options with people who you trust can be useful. See the 'Further Information' section for some suggestions.

Further advice on increasing safety whilst living with an abuser is available from either:

- The BBC web site www.bbc.co.uk/relationships/domestic_violence/optionshh_index5.shtml
- Women's Aid web site and their survivor's hand book at www.womensaid.org.uk

For advice specifically for lesbian, gay, bisexual or transgender (LGBT) people, more information is available at

- Another Closet (<http://ssdv.acon.org.au/>): This Australian website deals with same-sex domestic abuse, but is beneficial to any LGBT person experiencing domestic abuse. It has information on assessing if your partner is abusive, safety planning and how to look after yourself after the abuse has ended.
- Broken Rainbow also has information on safety planning at <http://www.broken-rainbow.org.uk/content/safetyplan.htm>

Sometimes abusive people make you feel like you are the reason for their abusive behaviour. This is not the case. You are never responsible for your abuser's behaviour; you are also not responsible for the

consequences of their actions. If they lose their home and contact with their children because of their abuse, it is their behaviour that has caused it, not your decision to throw them out or limit contact. Only your abuser is responsible for his or her behaviour and only he or she can decide to stop being abusive.

If you decide to stay, you can still approach the civil and criminal courts for protection. Obtaining a non-molestation order or pressing for a criminal prosecution against someone you live with is a risky business. Our advice is to always have a safe place where you can stay (even if only in an emergency) if you decide on this course of action.

At the moment there are no survivors' groups for gay, bisexual or trans men who experience domestic abuse. Similarly, there are no groups for perpetrators who are lesbian, bisexual women or trans women. Most support groups are designed to meet the needs of heterosexual women who have experienced domestic abuse. We are aware that this is a huge gap in the service, and we continue to campaign for change and an expansion of services.

If you need to talk about what to do next, call Stonewall Housing's advice line on **0207 359 5767** or go to 'Further Information' for other organisations that may be able to help. If you or anybody else is in immediate danger, call the Police on 999.

I'd like to stay and make my abuser leave

If someone in your home is abusing you, you have the right to protect yourself. You can do this by using civil or criminal law. Your rights may also depend on what type of tenancy agreement you have, and whether you rent or own your home.

You are the best person to decide if criminal and civil remedies will keep you safe. If your abuser is the sort of person who does not care if s/he gets a criminal record, is not intimidated by the civil or criminal courts and is not bothered if s/he spends time in prison, it may be optimistic to think that this will stop his/her abusive behaviour. If you are still living in fear, it may be worth considering other routes to safety.

This section of the guide covers the following

- I'd like to use civil law to protect myself or my rights to my home
- What types of court order are there?
- I'd like to use criminal law to protect myself
- Crime reference numbers
- Approaching the police
- I'd like to make my home safer
- Sanctuary projects
- Your housing rights if you decide to stay
- I am a registered civil partner (or married) with my abuser
- I cohabit with my abuser but we are not registered civil partners or married
- Excluded occupiers
- My home is owned by me and/or my partner
- My home is rented by me and/or my partner

I'd like to use civil law to protect myself

You could try to gain some protection from your abuser by applying for a civil injunction. An injunction is a court order that requires someone to do or not to do something.

If you claim benefits or have a low income, you may be entitled to help with legal costs via Legal Aid, now called Community Legal Services funding. The Community Legal Services website has information about applying for this funding, and there is a calculator enabling you to work out whether or not you are likely to be eligible. If you have a higher income, and are not entitled to funding, it is wise to ask the solicitor how much legal representation would cost before you engage them.

If you are not in a position to pay for legal representation, it may be possible for you to put together your own case. If you are considering this, Rights of Women publish a domestic violence DIY injunction handbook. For more information go to www.rightsofwomen.org.uk

It is always best practice to seek legal advice.

Protection is available to lesbian, gay, bisexual and transgender (LGBT) people, irrespective of their gender, from any abuser who is an 'associated person'. The law defines an 'associated person' as:

- A current or ex civil partner
- A current or ex married partner
- A person who you are formally engaged to
- Someone you cohabit with now, or did in the past

- Someone you live in the same house, now or in the past, but not if the relationship was as lodger, boarder, tenant or employee
- A person related to you, including some extended family (for example siblings, step-siblings, aunts, uncles, cousins, parents, step-parents, grand parents, your children or step children).
- A person who is the parent /step parent or legal guardian of the same child as you
- A person who had or currently shares parental responsibility to the same child
- A person with whom you have had an intimate personal relationship for a significant period of time (for example a boyfriend or girlfriend who you have known for six months)
- A party to the same family proceedings.

If your abuser is described in the list above, LGBT people can ask the court to issue a number of different types of orders.

These orders will not give your abuser a criminal record. If your abuser fails to abide by the order, this situation can change. In most cases, if your abuser breaches an order it is a criminal offence and may lead to fines, a community sentence or even prison sentence.

What types of court order are there?

Court Undertaking

This is when the judge makes the abuser promise in court to stop his/her abusive behaviour. A breach of this is not a criminal offence.

Non-Molestation Order

This is more serious. It will forbid the abuser from molesting you or your children, or damaging or throwing out your belongings. The term molestation includes physical, sexual and verbal abuse. The abuser does not need to have been violent. S/he could have been harassing or intimidating you or your children.

These orders may be given for a limited period of time. After they expire, you can apply again for another one.

Occupation Order

This type of order can be used to decide what should happen to your home. Depending on the circumstances, an occupation order might be used to:

- Force your abuser to leave your home
- Force your abuser to remain a certain distance away from your home
- Force your abuser to keep away from a specified part of your home
- Force your abuser to give you access to your home, if for example s/he has forced you out and changed the locks.

The type of occupation order you may be able to apply for will depend on whether you are an 'entitled' or a 'non-entitled' person. Entitlement is about whether you have a legal right to remain in your home.

Entitled people

An entitled person usually has property rights in their own name - for example, as a joint tenant or owner. Alternatively, if you are a married or registered civil partner of your abuser, but not a joint tenant or owner, you will still be an 'entitled person'. The judge will look at both sides' housing needs, finances, investments, safety issues, the conduct of the people involved, and the welfare of any children involved.

Occupation orders for entitled people can last indefinitely or for a specified period of time, depending on what the judge decides.

Non-entitled people

You are a non-entitled person if you cohabit with your partner and do not have property rights in your own name. However, even as a non-entitled person, you may still have the right to obtain a lesser type of occupation order. The judge will look at both sides' housing needs, finances, investments, safety issues, the conduct of the people involved, and the welfare of any children involved. The judge will also consider the nature of your relationship, how long you have lived together as partners and/or how long you have lived apart, if there are or have been any children [involved], and if there are any other issues relating to the transfer of property or assets.

Occupation orders for non-entitled people can last for six months, with the possibility of extending it for a further six months. After a maximum of one year, an abuser can return to his/her home.

What types of court order are there?

Transfer of Tenancy Order

The judge can order your abuser to sign over his/her secure or assured tenancy. Abusive people who were or are part of a cohabiting couple, married or civil partners, risk losing their tenancy even if it is held in their sole name.

To qualify for this, both partners must have lived in the home together as if husband and wife or as if civil partners. If you have never lived at the address where the tenancy is held, you cannot apply for this order.

To decide who gets the tenancy, the judge will look at the circumstances when the tenancy was first granted, whether you or your abuser is a suitable tenant, the housing needs and resources available to both of you and, where applicable, your children, and the health and well-being of both parties and any children.

Where couples are cohabiting and the sole tenancy is held by your abuser, the judge will also consider the nature of the relationship, its duration, if you have children, and where applicable, the length of time which has elapsed since separating.

Restraining Order

Both civil and criminal courts can issue this order. A judge can order any 'associated person' to stop harassing you. When related to restraining orders, an associated person includes a girlfriend or boyfriend, a casual sexual partner, stalkers and strangers.

Harassment includes alarming, distressing and/or verbally insulting behaviour, on at least two occasions. Harassment is about a pattern of behaviour rather than one incident. It is therefore useful to keep a log of abusive behaviour (see 'What records should I keep?' for more information). To establish this for evidential purposes, the police usually issue a warning, so that it cannot later be claimed that s/he did not know their behaviour was distressing.

Harassment is dealt with in a Magistrates court and carries a maximum sentence of six months imprisonment and/or a fine of up to £5000.

Aggravated harassment, where a person threatens violence on at least two occasions, can be dealt with in either the Magistrates Court or Crown Court and carries a maximum sentence of five years and/or an unlimited fine. You may also be able to claim damages.

I'd like to use criminal law to protect myself

If you are in danger, call the police on 999.

The police can arrest and charge your abuser for a number of offences, including murder, rape, sexual assault, unlawful wounding, blackmail, extortion, actual bodily harm, grievous bodily harm, reckless or intentional transmission of a sexually transmitted infection, harassment, and common assault.

The police will investigate your allegations and the Crown Prosecution Service (CPS) will decide if there is enough evidence to prosecute your abuser.

The CPS makes a decision about whether to prosecute the abuser based on the amount of evidence they find. Many police forces have a zero tolerance policy and will always arrest an abuser, even if you withdraw your allegation. If there is sufficient evidence, the CPS may decide to prosecute, even if you do not want to support the prosecution.

Crime reference numbers

When you have reported a criminal offence to the police they will issue you with a crime reference number. Keep this safe and make a note of the station and officer you reported the crime to. Having a crime reference number can be useful if you decide later to approach a local housing authority for accommodation, but it is not essential.

Approaching the police

Many lesbian, gay, bisexual and transgender (LGBT) people are reluctant to involve the police and report domestic abuse. There may be many reasons for this including fear of:

- Being ridiculed
- Not being taken seriously
- Getting their abusers into trouble
- A counter allegation (i.e. an abusive person claims they were the victim)
- Recriminations from the abuser
- Isolation from mutual friends or family.

Of the clients that have taken the step and reported, many have told us that their concerns have been taken seriously and they have found it empowering. If you approach the police, you will probably be referred to a police officer who is specially trained to deal with domestic violence and who may also deal with hate crime.

If you fear that there will be serious recriminations from your abuser and you do not have a safe place to stay, you may decide to delay reporting to the police until it is safe for you to do so. You should be aware that

the longer you delay reporting to the police, the less physical evidence will be available to the Criminal Justice System (CJS) to enable them to get a conviction. After time has elapsed, it could be alleged that someone or something else caused the injuries.

If you have a physical injury, always seek medical attention. This is not only because you deserve to take care of your physical health but also because it can help in future prosecutions. Having a medical record of a physical assault caused by domestic abuse can also help if you decide to approach the local authority for housing.

If you decide not to report your domestic abuse to the police and you do not feel able to approach your GP, you can also contact the Galop Shoutline (see 'Further Information') or a local Accident & Emergency department. If you have contact with any other professionals (like a therapist, teacher, youth worker, social worker or probation officer) you could consider disclosing your experience to them.

What happens when I make a report at a police station?

Making a report can be scary. You can take someone along for moral support or, if there is no one available, call Stonewall Housing's advice line and we will arrange an appointment to accompany you. Tell the duty sergeant that you want to report an incident of domestic abuse and, that because of the personal nature of the allegations, you would like to speak to an officer in private. An officer will show you into a small private room and take your statement. You can report recent incidents as well as incidents that occurred many years ago. Domestic abuse is a pattern of behaviour and usually involves emotional abuse as well as physical abuse. It can help if you make notes before you go in (see 'What records should I keep?', for more information).

I'd like to
make my
home safer

Sanctuary Projects

All boroughs in London operate a sanctuary project, which is intended to make your home safe using practical measures to improve security. These include providing reinforced doors, changing locks, and creating a safe space inside your home where you can run to if your abuser breaks in or is let in (for example, by another member of your family). It may also include a panic alarm in your safe area. This work is free of charge. If you still don't feel safe in your home and want to move on at a later date, you will still not be charged and the local authority will not be able to insist you remain in your home.

To qualify, you need to own your home or hold a sole tenancy and have the permission of your landlord: and for the abuser to be no longer living with you, and for you to otherwise become homeless.

- Many private landlords welcome measures that make their property more secure
- Social landlords also encourage these practical safety measures

Increasing your home security can work well if you also decide to get protection via the civil or criminal courts. It can help you feel safe within your home and can also make you more aware of the risks outside of your home. If this is the case, and you are continuing to receive abuse outside of your home see the previous section on civil and criminal protection. To access a sanctuary project, contact your local council's housing department, or contact us at Stonewall Housing.

What are my housing rights if I decide to stay?

Everybody's situation is unique. Your rights depend on whether you rent or own your property, whether your home is in your name, your partner's name or both of your names, whether you are registered civil partners or married and who your landlord is. The following information is a brief guide to some of the more common circumstances, but you should contact Stonewall Housing's advice line for more detailed advice relevant to your personal situation.

I am a registered civil partner with (or married to) my abuser

If you are registered civil partners or are married, you have additional housing rights whatever your tenancy type. The law says that as long as your partnership continues, you have occupation rights of the (family) home that you lived in as partners. This means that you can continue to live in your home, and your partner cannot change the locks or prevent your access, even if the home is in your partner's sole name. However, if the home is in your sole name, your partner will also have these rights, so you will need to take legal action to prevent your partner from being able to access your family home. You can do this by getting a civil order such as an occupation order.

Divorced and Dissolved?

If your partnership is dissolved or you are divorced, your rights may end, so it is very important that you get legal advice and take action to protect your long-term rights to your home. You can find out more about your long-term options by reading the following sections.

We live together but are not civil partners or married

If you cohabit with your abuser, and are not registered civil partners or married, it is important that you get legal advice in order to find out all your rights and options concerning your home. If your home is in your name, or is in joint names with your abuser, you will have several options. If your home is solely in your abuser's name, you may have fewer options. You may need to go to court to get your rights recognised, and you can find more information about your options in the following sections.

Excluded occupiers

An excluded occupier is someone who has very limited rights to remain in your home. Someone who lives with their landlord in their landlord's house is usually an excluded occupier. If either you or your abuser solely owns your home, or if the tenancy is in one of your sole names, the other may be an excluded occupier.

If you are registered civil partners or a married couple, you will not be an excluded occupier until your partnership or marriage is dissolved or you are divorced. Please see the section above for further details.

An excluded occupier is only entitled to 'reasonable notice' to leave their home, and this notice does not have to be in writing. If you are the landlord and your abuser is the excluded occupier, this means that you may be able to give immediate notice as a result of the violence.

What are my housing rights if I decide to stay?

Once your abuser has left, you can change the locks. This is also the case for other relatives who aren't co-owners or co-tenants, should they become abusive.

If you decide to change the locks, be aware that it is illegal to dispose of someone else's property. If your abuser returns to the property to collect his/her belongings, do not open the door unless there is a police escort with him/her.

If your abuser is the sole owner or tenant, and you are the excluded occupier, you may be forced to leave at short notice. You should get a police escort to accompany you to collect your belongings.

My home is owned by me and/or my partner

If you are a sole owner and live with an abusive partner or family member, you may be able to change the locks and restrict your abuser from entering your home again. See the section above on 'Excluded Occupiers' for further information.

If you are a joint owner, or you are registered civil partners, or married, or a cohabiting couple who share children, you may be able to obtain an occupation order. See the section called 'Occupation Order' for more details.

If your abuser is the sole owner, you may have fewer rights. Read the previous section on 'Excluded Occupiers' and the following sections for more details.

How do I stop my abuser from just selling my home?

If you are registered civil partners, or married, or joint owners of your home and you are concerned that your abuser is trying to sell your home without telling you, you may be able to prevent this. You can do this by registering an interest at the Land Registry (see 'Further Information' for address details). This is something you can do without the help of a solicitor and it protects your interests as your home cannot be sold or re-mortgaged without your consent.

It is worth considering your abuser's potential reaction to you taking this action. When you register an interest in your home, your partner will be informed of that fact and may be very angry as this will cause complication, delay and legal expense for him/her at a sale.

Think about your safety and plan this before taking any action. Remember there are many organisations offering information and support and some of these are listed in the section on 'Further information'.

Multiple properties

If you jointly own a home with your abusive partner who also owns other properties in his/her sole name and you are not married or civil partners, the property in his/her sole name remains his/her sole property. Often financially abusive partners will take out high mortgages on joint properties and invest that money in the properties of which they have sole ownership. If this is the case, seek further legal advice.

What if my partner solely owns our home?

If you are not registered civil partners, or married, unless you made significant contributions to the cost of the home, or towards improvements to the home, you may be an excluded occupier (see the previous section for more details).

If your abuser owns his/her home and you have lived there for some time and have contributed to the mortgage or the upkeep of the home, you may have some rights. If you are registered civil partners, or married, it may be easier to demonstrate these rights. If you are an unmarried co-habiting couple (of either sex), you may need to take legal advice if your home is in your partner's name only. You may have to take your partner to court to get your rights recognised.

The courts will look at proof of bills in your name, all joint financial arrangements including joint bank accounts, proof of monies spent on (major) building improvements to your home and all receipts. Evidence would also be needed if your partner deliberately tricked you into moving into his/her home and giving up your own home, with the intention of asking you to leave shortly after. Written contracts and evidence of verbal contracts will need to be presented in court before a decision can be made.

My home is rented by me and/or my partner

My home is a council or housing association property

If your tenancy is in your name only, your abuser may be an excluded occupier and you may be able to simply change the locks. See the section on '*Excluded Occupiers*', for more details.

If your tenancy is in your partner's name only, you may be an excluded occupier and have few rights. Again, check with the section on '*Excluded Occupiers*' for more details. If you have children, you may have more rights and should seek further legal advice urgently.

If you have a joint tenancy, you may apply to the civil court for an occupation order and also a tenancy transfer order into your sole name. See the section '*Occupation Orders*' for more details about this option.

Demotion of tenancies

Most local authority or housing association tenants are issued with codes of behaviour. If the tenancy is in your sole or joint name and your abuser repeatedly causes a nuisance to neighbours or is destructive to your property, your housing association or local authority could attempt to demote your tenancy to an introductory tenancy in an attempt to force you to resolve your domestic situation.

If your abuser continues to cause a nuisance, you risk losing the tenancy altogether. To prevent a demotion of tenancy it may be useful to get civil protection from the court - for example, a non-molestation order or an occupation order to prove to your landlords that you have taken steps to try and modify your abuser's behaviour.

My home is a housing co-op property

Housing co-ops have different types of tenancies to most rented accommodation and tenants are expected to contribute to running the co-op as well as maintaining their tenancy. If you live in a co-op, you should seek further legal advice to find out your rights.

My home is rented by me and/or my partner

My home is rented from a private landlord

If you live with your landlord or share a bathroom with your landlord or member of your landlord's family, you are likely to be an excluded occupier with very few housing rights. You should get legal advice by contacting Stonewall Housing's advice line as soon as possible.

Most private landlords do not tolerate abusive behaviour that unsettles your neighbours or causes the destruction of their property. Most are happy to take steps to evict an abusive tenant and will co-operate with Sanctuary Schemes (see '*Further Information*'). Some may try to evict you as well as your abuser.

Your rights depend on the type of tenancy you have. Since February 1997, most private rented tenancies are Assured Shorthold Tenancies. If you started renting after that date and you were not given a written tenancy agreement, then this is the type of tenancy that you have.

If your landlord attempts to evict you and or your abuser for noise nuisance or damage caused to the property and you have an Assured Shorthold Tenancy, s/he will need to issue you with two months written notice, that cannot expire before the last day of the first six month period. You will have no grounds to oppose this eviction. If you do not move out when the written notice expires, your landlord will have to obtain a possession order and then an eviction order before you have to leave. This may take some months to obtain. Once s/he has obtained these, a bailiff will be sent to your home to evict you. In this situation, you may have to pay court fees.

Private tenancies issued before February 1997 may have significantly increased rights and it may be much more difficult for your landlord to evict you. It is very important that you seek advice if you think this may apply to you. You may also be entitled to apply for a court order that could prevent your abuser from accessing your home. Civil orders are not available to you if you have an Assured Shorthold Tenancy. See the section on using the Civil Law for more details.

I'd like to
move away

Leaving your abuser is
often a difficult and
frightening time.

Many victim/survivors report a change in abusive behaviour, for example an increase in threats; 'outing' of sexual orientation or gender identity to family, work or your community; manipulative behaviour intended to make you feel that you won't be able to cope if you were to leave or remorse, promising that the abuse will never happen again. At this time, it is common to see an abuser switch between extremes of their character making it emotionally confusing and difficult to consider what is the best step.

If you are contemplating making this move it is important that you take action to try to remain safe. You can contact the Stonewall Housing advice line or Broken Rainbow (see '*Further Information*') for help on how to do this.

This section covers the following:

- Staying safe
- What is a police escort?
- Leaving with your children
- Housing options if you leave
- Staying with friends or family
- Private renting
- Refuges
- Council or Housing Association transfers and mutual exchanges
- Accommodation in a hostel
- Housing co-ops
- Applying to the council as a homeless person
- How do councils decide who gets housed?
- How do I apply?
- What if I am turned down?
- Last resorts
- Sleeping rough
- A life free from abuse in my new home

Staying safe

If you think you may need to leave your home, try to plan ahead by taking the following steps:

- Keep your mobile phone and contact numbers, some emergency money and house keys with you.
- Pack a crisis bag with a few clothes, toiletries, medication, proof of address and ID (for example; birth certificates for you and your children, passports and your driver's licence), and other important paperwork including cheque book, credit cards, any information relating to benefits, child benefit books, work permits, rent books, mortgage details and tenancies.

Gathering this information may alert suspicion. If this is the case, collect it gradually and keep it in a place that is easy to reach or, ideally, somewhere outside your home, for example; with a trusted friend or member of your family.

If you leave your home in a hurry or forget something, remember that you can always return with a police escort to collect it. The most important thing is to stay safe.

What is a police escort?

The police offer people escaping domestic abuse an escort back to their home to protect them while they retrieve their belongings. This is to prevent a breach of the peace. As this is usually not a police priority, it is best to approach the nearest police station to your home early in the morning when they are less busy. You can arrange for this to happen by phoning in advance and speaking to a Duty Sergeant on the front desk.

The police will accompany you to your home. They will intervene if your abuser tries to prevent you from taking your belongings. The police will not help you carry your belongings out of your home. They will make sure you leave the area without being followed.

It is illegal for anyone to withhold your passport or belongings. If you arrive and find that your abuser had hidden your belongings, a court order can be obtained to force him or her to hand these over.

Leaving with your children

If you are considering leaving, and you have children, it is important that you get legal advice about your rights. Women can get more information from Rights of Women (see 'Further Information'), or if you contact Stonewall Housing's advice line we may be able to signpost you to a knowledgeable and understanding solicitor.

Housing options if you leave

Staying with friends or family

Staying with friends or family is only ever a short-term solution. It can be a helpful respite but it also has risks.

Your friends or family may be very supportive and offer emergency accommodation and support at a time of crisis. This could give you the short-term space you need to make a decision about what to do next.

This can be an unsuitable choice if your abuser knows the address. Your abuser may turn up at your friend or family member's address putting you and them at risk. Your friends or family may also try to convince you to reconcile with your abuser even if it is not safe for you to do so. They may even take your abuser's side.

You should think carefully about whether this choice is right for you.

Private renting

The best thing about renting is that it's a quick way to move out of an abusive relationship into safe accommodation. The worst thing is that it can be expensive and offer limited security.

Paying for private rented accommodation

Access to private rented accommodation depends on your budget. You will usually need to pay the landlord a month's rent in advance and a deposit equal to a month's rent.

If you have the deposit and earn a low wage or claim benefits, including Job Seekers Allowance or Income Support, you may be entitled to claim Housing Benefit, which can help pay for your rent. However many landlords are reluctant to accept tenants who receive benefits. Councils have a cap on the contribution they will make through Housing Benefit. This means you will have to find cheaper properties. You may be able to find out more about the maximum level in your area by asking your local Citizens Advice Bureau. You can also fill out a pre-tenancy determination, which is a form you hand in to the council stating which property you intend to rent, that then lets you know the maximum level of Housing Benefit payable for that property.

Some council housing departments run rent deposit schemes where tenants who wish to rent privately but who do not have a rent deposit, can ask the council to act as a bond to the landlord. If the tenant fails to pay his/her rent, the council promises to reimburse the landlord. This can be a quick way into securing your own private rented accommodation. You can get more information about this option, including details of any schemes local to you, by Stonewall Housing's advice line.

Finding private rented accommodation

Stonewall Housing has a leaflet which lists places you can look for lesbian, gay, bisexual and trans (LGBT) friendly accommodation. Some local authorities also provide people with a list of landlords who will accept Housing Benefit.

Refuge

A refuge is a safe house for people escaping domestic abuse. All women living in the refuge will have experienced domestic abuse and many survivors find it comforting moving into a place where people understand your problems. You can stay there for a night or for longer until you decide what you want to do in the long term. Most refuges issue licence agreements for six months but these can be extended should you need a longer time to sort out your housing.

The vast majority of refuges are for women. If you are a man: see the section below for details of refuge spaces for men. There are around 500 refuge organisations in the UK and about 70 in London. The addresses are confidential and not even known to the police. Safety is of paramount importance. Refuges use PO Box numbers instead of postal addresses, as these are harder to trace.

The best thing about a refuge is that your abuser will not be able to find you unless you tell him/her where you are. If you are found by your abuser whilst you are living in the refuge, you will be asked to move into another refuge as remaining may put you and other people at risk. If you work, you may not be able to continue working from your previous work address. This is because your abuser may follow you, back to the refuge. The refuge address and the safety of you and the other residents is paramount.

Refuges employ support workers who can help you with your housing process and also offer emotional support. They sometimes also employ child support workers who can support your children whilst they adapt to life in a refuge.

A refuge is a sanctuary where you can feel safe by moving away from abuse. Refuges remain the most useful and supportive environment to be able to make decisions about what you want to do next.

Children

All refuges for women operate a women only policy. There is no age restriction on female children. With male children, refuges vary, with some only taking boys up to 12, whilst others take boys up to 18, (but only one boy over 14 at any one time). Women are expected to share bedrooms with their children.

If you have children, they may have to change school, at least for a temporary period whilst you decide what you want to do. If there is a child support worker at the refuge, they will help you with this. Most refuges run playrooms, after schools clubs and go on organised trips out. The emphasis is on having fun, but also refuges are sensitive to the needs of children, who have witnessed and frequently experienced domestic abuse themselves. Many children enjoy living in a house where they can mix with other children.

If you move to a refuge with your children, there will be lots of other children around for them to play with. Some children tell us that they miss their homes but enjoy living in a place where there is no violence and they are encouraged to have fun.

There is an excellent website run by Women's Aid, designed for children who experience domestic violence at www.thehideout.org.uk/

Refuge

What are refuges like?

Refuges are usually shared houses on domestic streets. Most have shared kitchens, bathrooms, a sitting room, play room and garden.

Whilst living in a refuge, you will have to pay rent. You may be able to claim Housing Benefit to pay for the rent and, if you plan to return to your former home, you may be able to continue claiming Housing Benefit for that address also. Your support worker will be able to help you with this.

If you have no recourse to public funds and are not able to claim benefits, finding a refuge will be harder but not impossible. Refuges will need to be sure that a long-term housing option will be possible before accepting you into their accommodation. Call Stonewall Housing's advice line to discuss these options.

If you move into a refuge, you should **under no circumstances** give up your secure or assured tenancy until you are offered a replacement tenancy. Giving up your tenancy could lead to a risk of you being considered intentionally homeless if you make a homelessness application to a Local Authority.

How do I find a refuge?

All refuges advertise their vacancies via the National Domestic Violence Helpline (see 'Further Information' for more details). This free helpline is open 24 hours a day and 365 days a year. You can phone yourself or ask us to phone on your behalf as getting through to this number can be difficult because of the volume of callers. Once you speak to a helpline worker, they will ask you a few questions about your circumstances before telling you if there are any spaces available. **You do not have to report your abuse to the police to gain access to a women's refuge.** Calls are answered in the strictest of confidence. The helpline worker will tell you in which areas of London the vacancies are. You will never be given the address on the phone. Usually, a worker will meet you at a central location and walk you to the safe address, ensuring you have not been followed. You will never be offered a space in a refuge that is near or in the same borough as your home or danger area.

If you want to move into a refuge in a particular area of London, be aware that you may have to wait for some time before space in refuges within this area become available.

If you have a disability, make sure you tell the helpline workers as some refuges have adapted provision.

Refuge

Are refuges lesbian and bisexual women friendly?

Lesbian and bisexual women have made a huge contribution to establishing the women's refuge movement. Many lesbian and bisexual workers continue to provide support for women experiencing domestic abuse. Most refuges are women only spaces.

Very few can accommodate lesbian couples escaping domestic abuse from a third party due to funding criteria being linked to rooms. You may find a refuge that has two single rooms but this is unusual as there is a high demand for spaces.

All refuges have an equal opportunities policy. They will treat all residents equally and fairly. If you are living in a refuge and are experiencing homophobia, biphobia or transphobia, feel free to contact Stonewall Housing and we will do our best to find you another refuge that is more LGBT supportive or advocate on your behalf to ensure that your stay is peaceful and positive.

Access to refuges and hostels for transgender people.

We are aware that male and female transgender people may experience additional hurdles when trying to gain access to refuges and hostels, as some workers have a fixed perception of gender.

The Gender Recognition Act 2004, makes it illegal to prevent transgender women who have a Gender Recognition Certificate, from accessing women's accommodation. Similarly it is illegal to prevent transgender men who have a Gender Recognition Certificate from accessing men's accommodation.

If you are a transgender woman who does not have a certificate, some refuges will not accommodate you.

If you are a transgender man who does not have a Gender Recognition Certificate, most refuges will only offer accommodation under the legal status of a "female". (How a female behaves, dresses, thinks and feels is not defined).

Transgender men who have a certificate would not be eligible for women's refuge accommodation. Gay Men's Shared Housing and Stonewall Housing do provide safe accommodation for trans men escaping domestic abuse although waiting lists apply. See below.

If you decide that a refuge or hostel would be best and you need help in finding one, or if you are currently living in a refuge or hostel and having problems, contact Stonewall Housing's advice line.

There are also some refuge organisations that provide outreach advice and support for all transgender people who experience domestic abuse. To find a service, once again, give us a call.

Refuge

Refuges for gay, bisexual or transgender men

Unfortunately, there are very limited emergency provisions for gay, bi and trans men who are fleeing domestic abuse in London. Stonewall Housing believes that this is a big problem and we are campaigning to try to improve the situation.

Gay Men's Shared Housing provides support to gay men who have experienced domestic abuse. This is not emergency accommodation. Spaces are allocated via a waiting list and interview process. Once you arrive at the house, facilities are similar to a refuge, except that they do not accommodate men with children. They will accept transgender men who identify as gay.

Stonewall Housing also accommodates some LGBT people who are escaping domestic abuse. This is not emergency accommodation and spaces are allocated via a waiting list and interview process. Applicants need to be under 25 and have additional support needs. Once you have been offered a room, you will be allocated a member of staff who will be able to support you. Not all residents will have experienced domestic abuse and accommodation may be in shared houses.

There are also other specialist LGBT housing organisations, including Triangle Wales who can provide advice and support to LGBT people with housing needs (see '*Further Information*' for details).

There are also bed spaces for men available in some projects outside of London. We cannot give details of their locations as this may compromise their safety, though we can make referrals where appropriate.

If you are a gay, bi or trans man who is looking for a space in a refuge, please contact us on the Advice Line and we will check for vacancies.

Local Authority Temporary Accommodation.

Every London borough has a local Housing Options and/or Homeless Persons Unit that can offer people housing advice and in some circumstances, emergency accommodation to people fleeing domestic abuse. This is interim accommodation whilst they make inquiries into your situation and decide if they have a duty to house you permanently. If you are considering going to your Local Authority for help, please read the section called '*Applying to the council as a homeless person*'.

Council or Housing Association transfers and mutual exchanges

If your landlord is the council or a housing association, you may be able to get a transfer or a mutual exchange. Most local councils and housing associations have clear guidelines about dealing with tenants who are experiencing domestic abuse.

If you have a joint tenancy, sometimes, with your agreement, the council or housing association will allow you to end the tenancy so that your partner has to leave, and may then grant you a new tenancy. It is very important that you get advice before taking this action, to ensure that you retain your housing rights.

If you have a sole tenancy, it might be possible to approach your landlord and ask for a transfer into another property. You can do this either whilst you remain in the property, or move into temporary accommodation whilst a new property is found. The best thing about this option is that you do not risk becoming homeless. You retain your tenancy while you are negotiating a move into safe accommodation, and you do not have to accept accommodation that is not suitable. However, this option can take a lot of time to organise. If you would like a transfer you should contact your Housing Officer, or call Stonewall Housing for advice.

All council and housing association tenants are also able to apply for a mutual exchange, which involves swapping your home with another council or housing association tenant who wants to move. You can find out more information about this option, and register your information at the Home Swapper website (see '*Further Information*' for details).

This option can be problematic in terms of your safety. If you exchange your tenancy with another tenant, the other tenant will know where you are living, and your safety will be in their hands should your abuser ask them for your new address. Unless you can arrange a three-way exchange, this option may not be safe.

Accommodation in a hostel

There are many hostels in London that provide emergency accommodation. These are usually for people who cannot get accommodation from local authorities, housing associations or cannot afford private rented accommodation. There are also hostels, which are available for people who need additional support beyond just housing, in order to get back on their feet.

Emergency access hostels

This option is for rough sleepers. The standard of accommodation is basic - usually a room and shared bathroom and kitchen. You will need to be able to claim Housing Benefit if you want to stay in an emergency hostel. Access to this type of hostel is usually either through a referral which is arranged by certain homelessness day centres, or via a contact and assessment team (CAT team). For details of day centres, call the Stonewall Housing advice line and ask for the day centres factsheet, or look on our website.

CAT teams are teams of support workers who spot rough sleepers bedding down in the streets. If you are sleeping rough, approach your local authority and tell them where you are bedding down. The support workers will visit you at some point during the night. Once you are spotted, you are given a CAT number and are eligible for hostel vacancies. This system ensures that emergency access hostels prioritise rough sleepers.

Although staff may be LGBT friendly, the reality is that a many of our clients living in hostels experience homophobia, biphobia and transphobia, often from other residents. Staff at emergency hostels can make referrals to supported hostels. Many of our clients who have been referred to a hostel use this as a stepping-stone to safer accommodation.

Supported hostels

These hostels are designed to provide medium term housing for people who need somewhere to live, but also have additional support needs. This might include people who are fleeing domestic abuse, those who have mental health, drug or alcohol issues, or people under twenty-five. People usually cannot ask for accommodation from supported hostels directly. Clients would need to be referred by organisations like Stonewall Housing, Social Services, drug and alcohol projects or Local Authorities. A referral involves filling out an application, being invited for an interview and if appropriate, accepted and usually put on a waiting list before a vacancy is identified. Once in a supported hostel, clients work with a support worker on their personal support needs and housing issues.

This type of accommodation allows you to move away from your abuser into a place where s/he will not be able to find you. Moving into a hostel may give you the space you need to feel more together and ready to cope by yourself - it can help to think of moving into a hostel as a stepping-stone.

If you are interested in these options, we have access to a London-wide database where vacancies to supported and emergency hostels are advertised. If you call the Stonewall Housing advice line, we will ask you some basic questions and look to see if we can find you a space.

Housing Co-ops

Stonewall Housing has a factsheet on housing co-ops that explains in detail what they do and how to access them. Although co-ops may help with long-term housing, the waiting lists for these types of properties can be long and, as a result, are not useful if you want to be rehoused urgently.

Applying to the council as a homeless person

Lesbian, gay, bisexual and transgender (LGBT) people who experience domestic abuse are entitled by law to be assessed for emergency council housing. If you are considering making a homeless person's application, you will benefit from advice and support. If you contact the Stonewall Housing advice line, we will take you through your options and may be able to act as your advocate with the council.

How do councils decide who gets housed?

The council has a legal duty to provide emergency accommodation to some people and if, after investigating your case, the council decides that you fulfil its criteria, it has a legal duty to help you find long-term accommodation. However the criteria are very stringent and not everyone will be able to get help from the council.

The council considers five criteria when it decides whether to help you. These are:

- Are you eligible for assistance?
- Are you homeless?
- Are you in priority need?
- Are you intentionally homeless?
- Do you have a local connection?

Please read on for further information about what each of these criteria means.

Are you eligible for assistance?

The term eligibility relates to immigration status, and also to people who have spent a long time abroad and have recently returned to the UK. Eligibility is a complicated area and it is always worth getting advice. If you are currently claiming Job Seekers Allowance or Income Support, you are automatically eligible for assistance.

More information on European Union (EU) and European Economic Area (EEA) eligibility to housing is available from Shelter. See 'Further Information' or go to <http://england.shelter.org.uk/advice/advice-8235.cfm>

If you returned to the country recently or only came to the country for the first time recently (within the last six months), you may not be eligible for assistance, even if you are a UK citizen. In this situation, the council will decide whether you pass something called the 'Habitual Residence Test', which is a set of questions designed to find out if you are intending to remain in the UK as a resident and worker. The questions cover the length of time you have spent in the UK, why you came to the UK, what and where your long-term intentions are and where your centre of interest is, for example, if you have family or a business in the UK.

If you have the words 'no recourse to public funds' stamped on your passport, this may mean that you are ineligible, in which case, always check with Stonewall Housing advice line or a specialist immigration organisation as this area of law is very complex. (See 'Further Information').

Are you homeless?

It is not considered reasonable for you to have to live in a home where you are at risk of violence, or threats of violence, which are likely to be carried out. This means that if you have experienced domestic abuse or threats of domestic abuse, the council should consider you to be homeless, even if you have a tenancy.

It is worth bearing in mind that:

- You do not have to report the violence to the police
- You do not have to obtain a court order
- The abuser does not have to be the opposite sex
- Violence does not have to have taken place, for example threats of violence may be enough.

Applying to the council as a homeless person

Are you in priority need?

Priority need is the term used to describe the way in which the council decides who to prioritise helping. Even if you are eligible and homeless, if you are not in priority need, the council will not offer you anywhere to stay.

You are automatically in priority need if you:

- Have children who live with you
- Are pregnant
- Are under 18 years old and living on your own
- Are under 21 and were in 'care' for at least 13 weeks between the ages of from 16-18
- Are homeless as a result of an emergency, for example a flood or fire.

The council also has a duty to help people who are vulnerable. The definition of vulnerable which the council uses, is someone who is less likely to be able to fend for him or herself when homeless, so that they will suffer injury or detriment where a person who is not vulnerable would not experience this.

This means, to be considered in priority need, you need to be more vulnerable than an average homeless person - having to sleep rough is not enough in itself.

You may be considered to be at an additional risk of being vulnerable if you:

- Were a member of the armed forces
- Have served a long prison sentence
- Are an older person
- Have a mental illness
- Have a physical disability
- Have another special reason to be considered vulnerable, or
- You have to leave your home because of violence (including domestic violence), or threats of violence, which are likely to be carried out.

Vulnerability and Domestic Abuse.

Most London local authorities do not accept single people fleeing domestic violence as being vulnerable by virtue of the domestic violence - they require another reason on top of this to be found vulnerable and in priority need. To discuss this in detail, call our advice line.

Wales and Vulnerability

The situation in Wales regarding priority need is slightly different, in that Welsh councils consider domestic violence as a criteria for "vulnerability" in its own right. You do not need to have an additional support need to be found in priority need. If you are considering relocating to Wales, see '*Further Information*' for contacts. In particular, contact Triangle Wales or go to Shelter's website for Wales at www.sheltercymru.org.uk/shelter/home/

Applying to the council as a homeless person

How do I prove that I am vulnerable?

Because there is such a housing shortage in London, many councils are under a great deal of pressure to find that people are not vulnerable. This means that it is important that if you think you may be vulnerable, you get advice by calling Stonewall Housing's advice line.

The council will investigate whether you fulfil the priority need criteria by looking at the nature of the abuse or threats you have experienced, their frequency and severity. It should also consider the physical and mental effects of the abuse on you, and whether you have any support networks, friends or family.

For this reason, it is worth preparing for your housing assessment and writing a supporting statement that shows how the abuse you have experienced has affected you and your family. This can be emotionally draining and many of our clients ask for assistance with this. Stonewall Housing has a factsheet on writing a supporting statement, which you can get by looking on our website or calling the advice line.

The council may put pressure on you to report your abuse to the police, and having crime reference numbers can be helpful for your application. However if you are not comfortable with this option, the law makes it clear that proof of violence is not compulsory. In order to demonstrate your vulnerability, it can help to collect evidence for the council. This might include:

Statements from people who either witnessed the abuse or you told about the abuse - for example:

- Friends
- Family
- Your GP
- Midwife
- Refuge worker
- Support worker
- Counsellor
- Psychiatrist
- Probation officer
- Social worker
- Teacher
- Youth group worker
- Religious leader

Anyone who you think could help convince the council that you have experienced domestic abuse.

You can also give the council your medical records, court orders, evidence of criminal proceedings, photographs, mobile phone texts and a log of your abuse.

Applying to the council as a homeless person

Are you intentionally homeless?

People are considered to be intentionally homeless if they acted in a way, or failed to act in a way, which directly led to their homelessness. If you are fleeing your home as a result of domestic abuse, you will not be found intentionally homeless, even if you have rent arrears. The council may make inquiries about your previous addresses, especially if you have moved addresses recently. However they are not allowed, under any circumstances, to contact your abuser and question him/her about the reason you have left.

Do you have a local connection?

If you are experiencing domestic abuse, you can apply to any local council in the UK.

You do not need a local connection. If you apply to your local area and tell the housing department you want to stay close to the area that your abuser lives, this may cause suspicion. If this is the case, you will need to state the reasons why you need to remain in your local area - for example, if you are caring for a relative or if your children have important exams and need to remain at school.

How do I apply?

If possible, get some advice before you go to the council. Go to any council housing department and, ideally, take an advice worker with you for support. Call Stonewall Housing and we will try to arrange for someone to accompany you.

Ask to see a homeless persons officer and tell them that you want to make an emergency housing application under part seven of the 1996 Housing Act. You may need to take a ticket and wait for your turn to be seen.

You will be taken into a private cubicle and interviewed by a council worker. The council worker will ask you a series of questions about your current situation. If you are experiencing domestic abuse and you need to move as an emergency, you are entitled to be fully assessed. You will need to state clearly that it is an emergency and you have nowhere safe to return to that night. Do not be put off if you are told to return at a later date with more evidence. You are entitled to an assessment at this stage; you do not have to provide proof of abuse.

If you meet the criteria and are deemed homeless, eligible for assistance and in priority need (see above), the council should place you into immediate interim accommodation while it investigates your case. This usually means a bed and breakfast (B&B) hotel. The B&B accommodation may not be in the area of your choice unless there is a good reason for you to be in a particular area - for example, you need to see a medical specialist very regularly or your children need to attend a specific school.

Applying to the council as a homeless person

If the council has placed you in interim accommodation, it will then go on to make a full decision in your case. It should take no more than 33 days. If it takes longer you should get advice. The council has a duty to tell you about any decision it makes, by giving you a 'section 184 letter'.

If the council accepts a full duty to house you and you have children, you should not have to continue to live at the B&B for a more than six weeks. After six weeks, you should be moved into self-contained accommodation until you are permanently re-housed.

If the council accepts a full duty to house you and you do not have children, you may have to continue to live at the B&B until you are permanently re-housed, unless you have a good reason to move into self-contained accommodation - for example, a significant medical reason.

You will be sent a letter at this stage outlining the council's waiting list procedure or bidding scheme for permanent accommodation.

What if I am turned down?

Some clients have told us about significant difficulties they encounter when they approach the local authority for help. The council officers can sometimes appear unhelpful and it is important that you try to remain calm and clearly explain what is happening to you. If the council refuses to interview you or does not offer you interim accommodation, you should contact Stonewall Housing's advice line, and we will be able to advise you further.

If you receive a section 184 letter, which states that the council will not help you, you have a short time to ask for the council to review their decision. It is very important that you seek advice quickly so that you do not lose your opportunity and so that you make the best case possible to the council in your appeal.

New changes in the law

In February, the Equality Act (2006) was passed by Parliament. The Act gives the Government powers to introduce regulations outlawing discrimination on the grounds of sexual orientation in regards to access to goods, facilities and services (GFS). This means that service providers from hotels to GPs, shops to local authorities, cannot refuse to serve lesbian, gay and bisexual people or offer them a service of lesser quality than that provided to heterosexuals. For more information go to www.equalityhumanrights.com/ or www.stonewall.org.uk/

Last resorts

Sometimes you just need to get out quickly to stay safe. Often this can be when housing and advice services are shut - for example: late in the evening, weekends, bank holidays or at Christmas.

If this is the case and you have children, you can get help with emergency housing from Social Services. Social Services have a legal obligation to protect children and if necessary, accommodate them. Your children should not be taken into care because their parent or carer has been made homeless as a result of domestic abuse. You should be accommodated with your children.

The Social Services duty desk will be open twenty-four hours a day, seven days a week. If you do not know how to contact your Social Services department in an emergency, you should go to either your local police station or the A&E Department at your local hospital and ask to be referred to Social Services. Social Services will work with the council housing department to help find you accommodation.

If you are a woman (with or without children) and have had to leave your home out of office hours, you can call the National Domestic Violence 24 Hour Helpline (details in the 'Further Information' section). They will be able to find you emergency accommodation although it may be a sofa in a refuge sitting room and it may not be in London.

If you are a man who does not have children and you have exhausted all of the above options and there are no spaces in emergency hostels, you may have no option but to sleep rough.

Day centres and CAT teams

Many street homeless people use day centres where food, showers and medical facilities are provided free of charge. Day centres also have links with rough-sleeper or CAT teams and emergency hostels and are a great source of information.

Stonewall Housing has a list of London day centres, and you can get a copy by looking on our website or calling our Advice line.

If you are street homeless, contact Stonewall Housing via the advice line on a daily basis and we will check for vacancies for emergency hostels from our database. If you have no money to make a long phone call, tell us and we will call you back on your number.

Sleeping Rough

This is not a safe option but is the reality for some people. If it is a cold night, going to an all night café, club or riding the night bus might be safer than sleeping rough. Hypothermia is also life threatening.

Saunas

Some male victim/survivors have told us that sleeping in an all night sauna feels safer than sleeping rough or staying another night with their abuser. Keeping yourself safe should always be your priority. There are currently no all night saunas in London for women.

Sex for accommodation

Some victim/survivors acknowledge that escort work or prostitution/rent may provide an escape route from domestic abuse. Once again, keeping yourself physically, sexually and emotionally safe should be your priority. If you are considering this option, contact CLASH, SW5 or the Poppy Project (See 'Further information' for details).

If you need advice on safer sex contact Terrence Higgins Trust. (See 'Further information' for details.)

A life free from abuse

We recognise that sometimes when a person moves away from an abuser, a mixture of emotions can surface.

Our clients have told that, post-abuse, they have felt lonely, isolated, fearful, angry, euphoric, powerful, at peace and free. Whatever your reaction, making contact with new support groups and friends is also part of living a life free of abuse.

A good starting point may be to call Broken Rainbow, a support organisation for LGBT people who have experienced domestic abuse. You can find their details in the 'Further Information' section of this guide. There is also likely to be an lesbian, gay, bisexual and trans (LGBT) community group or organisation in your local area. For more information on some of the groups you could contact the London Lesbian and Gay Switchboard (LLGS) or the Stonewall Information Line (see 'Further Information' for details).

Most London boroughs will have an outreach and support project for women who have moved on from domestic abuse. There is also a survivors group for lesbian, trans and bi women and you can contact Woman's Trust for more information.

See 'Further Information' for details.

There are no specific support groups for survivors who identify as gay, bi or trans men but there are hundreds of different community based groups and social clubs where it may be possible to meet new people and establish a new social life.

I still have some questions

This section covers the following:

- What if I'm an asylum seeker or have no recourse to public funds?
- How do I protect my new address?
- How do I change my name?
- How will I afford new furniture?
- What records should I keep?
- What if I have a pet?

What if I'm an asylum seeker or have no recourse to public funds?

Applying for asylum.

If you are an asylum seeker, you may be able to find emergency accommodation in hostels, refuges and in some cases, via the council. If this is the case, call Stonewall Housing's advice line for assistance.

Financial help to pay for accommodation may be available from NASS (National Asylum Support Service). You do not have to remain in the same location, as NASS accepts that you may need to escape your location to stay safe.

Indefinite leave to remain

If you have been given leave to remain and are a refugee, you will be entitled to benefits and will be able to access emergency accommodation in hostels, refuges or, in some cases, via the council.

Overstayers

If your application for indefinite leave to remain has been turned down or you have overstayed a visitor's visa and you do not have an application under consideration by the Home Office, your housing options will be severely limited.

If you have children, help may be available via Social Services although this can be limited and may involve an offer of housing for your children without you. This is extremely harsh, but is the reality for many failed asylum seekers. In all cases, seek legal advice before approaching Social Services.

No recourse to public funds but married or civil partners

If you are not British but are married to or a civil partner of a British citizen, you may have 'no recourse to public funds' stamped on your passport. This is because you will have been given leave to remain in the UK on the understanding that your partner financially supports you. If this is the case, you may not be eligible for Housing Benefit to pay for your accommodation. Because of this, getting access to refuge accommodation is hard but not impossible.

If this is your situation, you will need to make a new application to the Home Office for indefinite leave to remain under special domestic abuse rules or under humanitarian grounds. Once you have put in a new application, you may be eligible for financial help via NASS. Social Services may also be able to help but in some circumstances, this may involve an offer of housing for your children without you. You should not agree to this without taking legal advice, as it will be much harder to get your children returned to you at a later point.

This area of law is complicated and it is vital that you get immigration advice for you and your children. If you contact Stonewall Housing's advice line, we can give you the contact details of immigration specialists who may be able to advise you.

I still have some questions

If you have a pet that you are not able to place with a friend or family, we may be able to signpost you to an organisation where your pet can be fostered for the time you cannot look after it. Contact Dogs Trust or the Mayhew Animal Shelter for further details. See 'Further Information' at the end of this guide.

How do I protect my new address?

If you move into new accommodation and you suspect that your abuser will try to find you, you can arrange to have your mail redirected to a secure PO Box address. The local post office will be able to help you with this.

If you return to your old area, make sure you are not followed to your new address. This may seem a bit paranoid but if you make the effort to move to safety, the worst thing would be to be found as this may force you to move again to keep safe.

The internet provides a wealth of sites dedicated to putting people in touch. Updating social networking sites like Friends Reunited, Bebo or Facebook may also increase the risk of being found.

Take care not to publish your new home or work contact details online as they can be used to track you by search engines like Google.

The Electoral Register is also a concern in terms of protecting your new address. Information provided to the electoral service becomes public information and is easily accessible via the internet. Sites like www.192.com, use this and other information resources to provide addresses and phone numbers to anyone who makes inquiries.

How do I change my name?

Sometimes the only way to lose touch with an abuser is to change your name. For more information on this issue, contact the Deed Poll Service (see 'Further Information'). If you have children, you will need to seek legal advice regarding changing their names. In some cases, birth parents will need to be contacted.

How will I afford new furniture?

If you move to a new place and cannot afford any new furniture, there are a number of options. If you have been claiming Job Seekers Allowance or Income Support for at least 26 weeks, you may be entitled to a Community Care Grant or a Budgeting Loan from the Department of Work and Pensions to help you with these costs.

A number of organisations exist which sell second-hand furniture to homeless people at low costs, and these may be available in your area.

It may also be possible to make applications to local charities, which support people in their local area who are experiencing hardship.

If you call the Stonewall Housing advice line, we can give you further information about these options.

What if I have a pet?

It can be very difficult to flee with your pet, although many clients have told us about the emotional support that their pet provides them with. Some hostels and refuges accept pets but most do not. Some councils may let you keep a pet, but this is unlikely in bed and breakfast accommodation unless your pet is needed to assist with a disability.

I still have some questions

What records should I keep?

If you are considering making a homelessness application, taking civil action, or approaching the police, it may be helpful to keep records of the abuse you are experiencing.

You should always consider your safety first, and ensure you do not keep any records where your abuser may be able to find them. You could consider keeping them at work, or leaving them with a trusted friend or family member.

Your records do not need to be complicated. It may help to make a chart or simply to write down each incident. It will be helpful to record each incident as soon as safely possible after it occurs. You should record:

- The date and time
- The location (i.e. your home, in the street etc)
- Any witnesses (including your children)
- What happened (including any injuries you received, or any specific threats that were made)
- Anyone you told (your GP, a police officer, your advice worker).

If you are ever injured, it may help to take photos of any bruises or other injuries or to visit your GP or A&E so that a record is made of your injuries. Again, it is important that you keep these photos safe from your abuser.

Further information

Further information (LGBT specific organisations)

LGBT domestic abuse organisations in London

Bede House: Tel 0207 232 1107/020 7237 9162

Working with people who live, work, study or socialise in Southwark, Bede House offers practical and emotional support and advocacy for Lesbian, Gay, Bisexual or Trans people who have experienced or are experiencing domestic abuse or hate crime.

www.bedehouse.org/

Galop: Tel 0207 704 2040

Lesbian, gay, bisexual and transgender community safety charity. Information on third party reporting and civil and criminal protection from domestic abuse.

www.galop.org.uk/

Stonewall Housing: Tel 0207 359 5767

Confidential housing advice, advocacy and specialists in domestic abuse and housing to all lesbian, gay, bisexual and transgender people. Also provide supported accommodation for LGBT people, under twenty-five.

www.stonewallhousing.org/

Threshold Gay Men's Shared Housing: Tel 020 8743 2165

A pioneering project that provides safe accommodation for gay, bisexual and trans men escaping domestic abuse.

www.thresholdsupport.org.uk

LGBT domestic abuse organisations in the UK

Broken Rainbow: Tel 08452 60 44 60

A phone line/referral service that provides information and support to LGBT victim/survivors of domestic abuse.

www.broken-rainbow.org.uk/

Further information

Other organisation for LGBT People in London

The Antidote Project: Tel 020 7437 3523

Pan London project delivered by Turning Point providing specialist support for LGBT people affected by drugs or alcohol.

www.thehungerford.org/antidote.asp

London Friend: Tel 020 7837 3337

Helpline, drop-in housing surgery and support groups for all LGBT people in London

www.londonfriend.org.uk/

London Lesbian and Gay Switchboard: Tel 0207 837 7324

A lesbian, gay bisexual and transgender telephone helpline. Works in partnership with Broken Rainbow.

www.llgs.org.uk/

Metropolitan Police LGBT Liaison

The Met has LGBT police liaison officers in every London Borough. For further details go to

www.met.police.uk/contacts/LGBT.htm

Naz Project London: Tel 020 8741 1879

Provides sexual health and HIV prevention and support services to targeted Black and Minority Ethnic (BME) communities in London.

www.naz.org.uk/

PACE: Tel 0207 700 1323

An LGBT support, advocacy and counselling service. They also run a family support helpline and mental health advocacy service.

www.pacehealth.org.uk

SW5: Tel 020 7370 0406 11

Working with male and transgender sex workers.

www.sw5.info/

Central London Action on Street Health (CLASH): Tel 020 7734 1794

Works with male and female sex workers, homeless people, drug users and gay and bisexual men regarding HIV and sexual health.

www.islington.gov.uk/Directories/page.aspx?dir=LTCS&dir_name=LTCS&docid=0901336c805a4ec0

Regard: Tel 020 7226 0137

Provides information and advice to LGBT people with disabilities.

www.daii.org/

Further information

Other useful organisation for LGBT People in the UK

Albert Kennedy Trust: Tel 020 7831 6562

Provides support, mentoring, foster care and advice to young LGBT people up to 21 and occasionally 22-25 years old
www.akt.org.uk

The Gender Trust: Tel 0845 231 0505

A helpline offering support and advice to trans people
www.gendertrust.org.uk

Stonewall: Tel 08000 50 20 20 (Info Line)

Stonewall's Information Service provides details about a number of different topics and local support groups, activities and services for lesbian gay and bisexual people.

www.stonewall.org.uk/information_bank/

Terrence Higgins Trust: Tel 0845 1221 200 (THT Direct)

Terrence Higgins Trust is the leading HIV and AIDS charity in the UK, and the largest in Europe. THT Direct provide information, advice and support and are a gateway to services within Terrence Higgins Trust and services provided by other organisations.

www.tht.org.uk/howwecanhelpyou/needhelpnow/

Triangle Wales: Tel 0808 801 0306

Support & information for LGBT people with housing needs in Wales
<http://www.trianglewales.co.uk/>

UK Lesbian and Gay Immigration Group: Tel 020 7922 7811

Information and advice for LGBT people who have immigration issues.
<http://www.uklgig.org.uk/>

Press for Change

A political lobbying and educational organisation, which campaigns to achieve equal civil rights and liberties for all trans people in the United Kingdom, through legislation and social change.

www.pfc.org.uk/

Polari: Tel 020 7255 4480

Polari works on issues affecting older lesbians, gay men, bisexuals and trans people.

www.polari.org

Imaan:

A social/support group for LGBT Muslims.

www.imaan.org.uk/

Further information

Further information (organisations that are not LGBT specific)

Domestic abuse organisations in London

The Havens:

Anyone in London who has been raped or sexually assaulted can come to a Haven.

www.thehavens.co.uk/

London Centre for Domestic Violence 08709 220704

Offers free and confidential legal advice and support on non-molestation orders & occupation orders. Open 24 hours a day and 365 days a year.

www.lcdv.co.uk

Mayhew Animal Shelter: Tel 020 8969 0178

For fostering and adopting all pets whose owners are moving into temporary accommodation.

www.mayhewanimalhome.org/

Dogs Trust: Tel 0800 298 9199

For fostering dogs and cats whilst living in a refuge or other temporary accommodation.

www.dogstrust.org.uk/

Police: Tel 999 in emergencies.

Every London borough has an LGBT police liaison officer and a unit that specialises in domestic abuse and hate crime. For information, call our helpline or visit....

www.met.police.uk/contacts/LGBT.htm

The Poppy Project: Tel 020 7840 7129

Provides accommodation and support to women who have been trafficked into prostitution.

www.eaves4women.co.uk,

www.eaves4women.co.uk/POPPY_Project/POPPY_Project.php

Reach Project: Tel 020 7188 2650

A domestic abuse project situated within Guys and St Thomas' Accident and emergency department that positively encourages and supports LGBT victim/survivors. Guys and St Thomas' Hospital, A&E Department, Lambeth Palace Road, SE1 7EH

Woman's Trust: Tel 0207 034 0304

Provide one to one counselling and group work for women victim/survivors. They are also in the process of setting up a group for lesbian, bisexual and trans women.

www.womenstrust.org.uk

Further information

Domestic abuse organisations in the UK

The Dyn Project: Tel 0808 801 0321

Provides support to men who are experiencing domestic abuse from a partner in Wales.

www.dynproject.co.uk/

Mens Advice Line: Tel: 0808 801 0327

Advice and support for men in abusive relationships.

www.mensadvice.org.uk/

National Domestic Violence Helpline: Tel 0808 2000 247

Free helpline run by both Refuge and Women's Aid, which locates women's refuges for women escaping domestic abuse.

National Centre for Domestic Violence: Tel: 08709 220704

Free legal advice regarding court orders and criminal law.

www.ncdv.org.uk

Refuge: Tel 0808 2000 247

Information, advice and accommodation service for women who experience domestic abuse.

www.refuge.org.uk/homepage.html

Respect Phone line: Tel 0845 122 8609

Phone line for perpetrators who want to stop abusive behaviour.

www.respect.uk.net/

Rights of Women: Tel 020 7251 6577

Legal information for women who experience domestic abuse. Provide information on child protection issues and DIY injunctions.

www.rightsofwomen.org.uk/

Survivors UK: Tel 0845122 1201

Helpline, counselling and support for male survivors of sexual assault.

www.survivorsuk.org

Women's Aid: Tel 0808 2000 247

Information, advice and accommodation for women who experience domestic abuse.

www.womensaid.org.uk/

For children who have experienced domestic abuse:

www.thehideout.org.uk/.

Further information

Other organisations in the UK

Citizens Advice Bureau

A nation wide advice service with offices in many cities. Excellent for benefits and debt advice. For local office phone numbers, opening hours and addresses, look online:

www.citizensadvice.org.uk

Childline: Tel 0800 1111

Helpline for children experiencing problems, including domestic abuse.

www.childline.org.uk/

Community Legal Advice: Tel 0845 345 4345

Offers free, confidential and independent legal advice for residents of England and Wales, information of finding solicitors and legal aid.

www.clsdirect.org.uk

Deed Poll Service: Tel 0800 448 8484

Information and advice about changing your name by Deed Poll

www.deedpoll.org.uk/

Forced Marriage Unit: Tel 020 7008 0151 Out of hours: Tel 0207 008 1500

A government office that provides support and assistance to British Nationals being forced into marriage overseas.

Email: fmufco.gov.uk

HomeSwapper:

Provides a national, mutual exchange web site for social tenants and landlords.

www.homeswapper.co.uk/

Housing Options: Tel 020 8920 7777

Information on London wide Home Buy schemes

www.housingoptions.co.uk/ho2/

Land registry: Tel 020 7917 8888

For information to lodge an interest in a property before it is sold.

www.landregistry.gov.uk/regional/office/default.asp?fl=1&dlr=HQ

Refugee Council: Tel 020 7346 6700

Information regarding asylum and refugee issues.

www.refugeecouncil.org.uk/

Samaritans: Tel 08457 90 9090

Confidential, emotional support via a 24-hour helpline.

www.samaritans.org/

Shelter: Tel 0808 800 4444

Nation wide housing advice helpline.

<http://england.shelter.org.uk/home/index.cfm>

Victim Support: Tel 0845 3030900

Free advice and support for people affected by crime.

www.victimsupport.org.uk/vs_england_wales/index.php

Further information

Second Tier Organisations

Coordinated Action Against Domestic Abuse (CAADA)

A charity established to encourage the use of independent advocacy as a way to increase the safety of high risk survivors. CAADA has an extensive library of resources, including information relating to LGBT people, available at www.caada.org.uk/library_resources.html#11
For guidance relating to LGBT and MARACs (Multi-Agency Risk Assessment Conferences) go to www.caada.org.uk/toolkits.html

Greater London Domestic Violence Project (GLDVP)

GLDVP is a second tier service for the London domestic violence sector which works to strengthen the sector by identifying common goals, promoting joint planning and minimum standards between agencies, ensuring that good practice in domestic violence work is transferred across London.

They bring together key agencies to develop London-wide policies, raising awareness about domestic violence and increasing the effectiveness of inter-agency work.

For further information, go to: www.gldvp.org.uk/

Lesbian, Gay, Bisexual and Transgender (LGBT) Domestic Abuse Forum

The LGBT domestic abuse forum is a network of practitioners, activists and researchers working around the issue of LGBT domestic abuse. It exists to provide a forum in which to meet, network and exchange good practice.

For further information contact: lgbtforum@gldvp.org.uk or go to www.gldvp.org.uk

LGBT Domestic Abuse Scotland

Website for service providers who work with people who have experienced, or are currently experiencing, domestic abuse.
www.lgbtdomesticabuse.org.uk/Home.htm

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