

Highland Community Planning Partnership

Domestic Abuse – Legal Issues

Information Book

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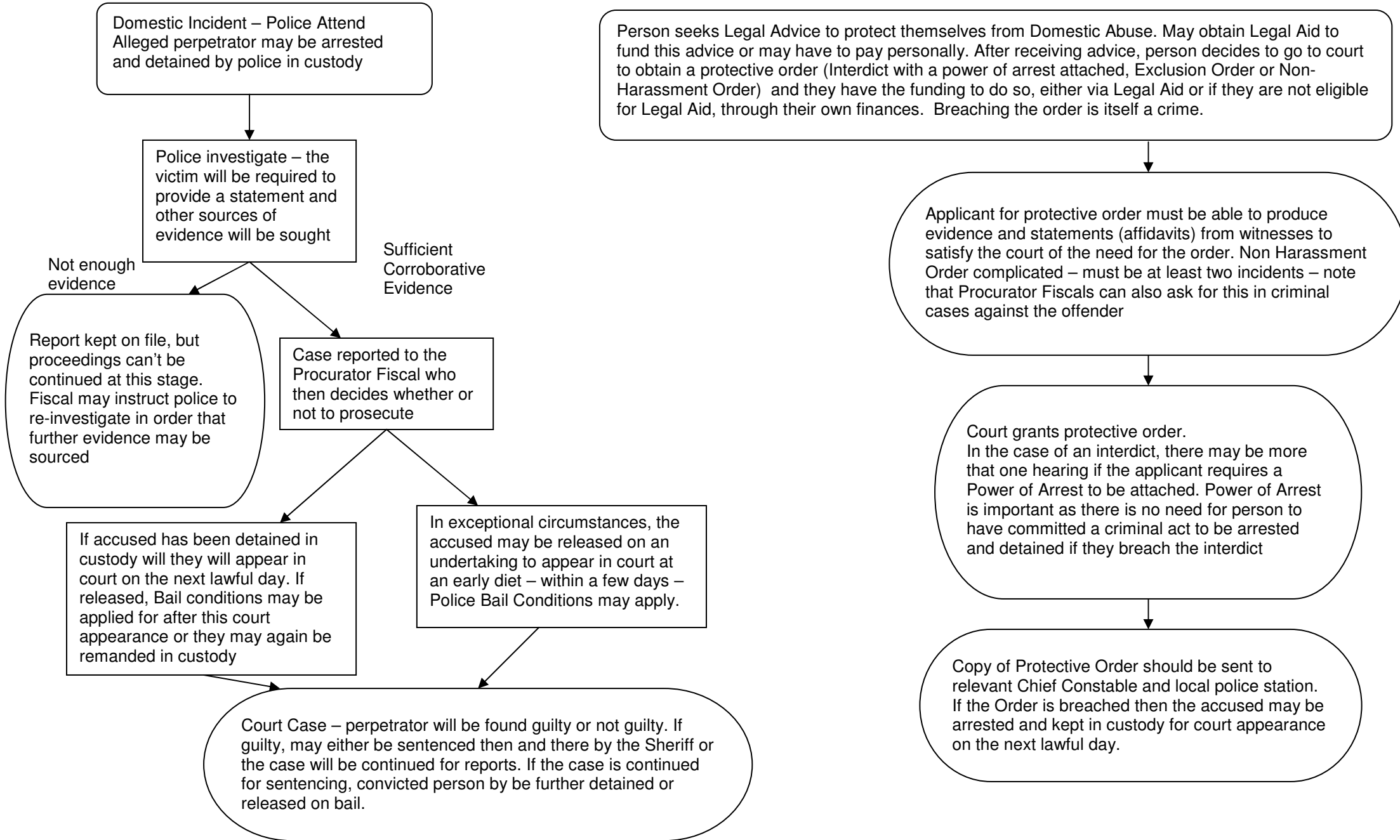
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Please note – this booklet does not qualify workers to give legal advice – it contains only basic information.

If in doubt, for information on specific topics speak to your local Domestic Abuse Liaison Officer, Procurator Fiscal, VIA representative, Housing or Benefits Advisor but if someone needs legal advice, they must be referred to a solicitor

Flow Chart of Possible Proceedings & Options



What is Domestic Abuse?

The Highland Community Planning Partnership has adopted the Scottish Government's gender-based definition of domestic abuse. This means that domestic abuse must be understood within the context of gender inequality, where women are generally given less value, status and power in society compared to men; this can be identified in a number of forms in Scotland, including domestic abuse which is overwhelmingly experienced by women and perpetrated by men.

The definition of domestic abuse adopted by the Highland Community Planning Partnership is:

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

This definition does not exclude domestic abuse in same sex relationships or the abuse of men by women because it is "gender-based".

Although Northern Constabulary and the Area Procurator Fiscal in Highland acknowledge the definition cited above, the definition adopted by the Crown Office and Procurator Fiscal Service (COPFS) and the Association of Chief Police Officers in Scotland (ACPOS) is:

Any form of physical, sexual or mental and emotional abuse which might amount to criminal conduct and which takes place within the context of a close relationship. The relationship will be between partners (married, cohabiting or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere.

Domestic Abuse as a Crime

Introduction

The extent of domestic abuse in Scotland is well known. There are numerous sources of research which reveal that between 1 in 5 and 1 in 3 women in Scotland will experience domestic abuse in their lifetime. For some women, domestic abuse can have fatal consequences – two women a week are murdered in the UK by their current or former male partners.

The police in the UK also deal with one 999 call a minute that relates to domestic abuse. In Highland in 2005/06, 1350 domestic abuse incidents were reported to the police – 90% of cases involved a female victim and a male perpetrator.

Criminal Proceedings

In Scotland there is no specific criminal offence of “Domestic Abuse”. What differentiates domestic abuse from other criminal behaviour and forms of violence is the context in which domestic abuse occurs. Domestic Abuse is about misuse of power - behaviour, action and coercion used to gain control over someone. This will form a pattern of behaviour and are not simply ‘one-off’ incidents. However, because only individual acts can be prosecuted, when police are called to domestic incidents the accused could be charged with specific Common Law crimes relating to their conduct, e.g.:

- Assault (for physical violence)
- Serious Assault (a more serious physical attack)
- Attempted Murder
- Murder
- Rape
- Assault with intent to ravish (this means an intention to rape)
- Threats
- Breach of the peace (e.g. verbal abuse, stalking, etc)

The abuser could also be charged with other, statutory offences, e.g. sending threatening messages via a telephone (landline or mobile phone) could result in the abuser being charged with an offence under the Telecommunications Act 2003.

How is Someone Charged?

When the police are called to a domestic abuse incident they will treat the allegations seriously and conduct a full investigation. As part of this investigation the alleged victim will be interviewed separately from the alleged abuser and required to provide a statement.

If there is enough evidence to arrest the perpetrator, the police will do this – even if the victim does not want this to happen. In Scotland, a victim of crime never has the decision as to whether an arrest should take place and cannot “drop” or “press charges” – only the attending police officers can make this decision. Ultimately, the Procurator Fiscal makes the decision about whether there is enough evidence for the case to proceed – more information is included below.

How much evidence is needed before someone can be charged with a crime?

In order to establish that a crime was committed and that the accused was the perpetrator evidence from at least two different sources is required under Scots Law. This is called “corroborative evidence”. If the police are able to gather sufficient corroborative evidence, the case will be reported to the Procurator Fiscal.

Note that Corroborative evidence does not necessarily mean that two eye witnesses are required. Corroboration can be established in a number of ways, but is often difficult to establish sufficient evidence in domestic abuse cases, as the incidents most often occur behind closed doors, with only the woman and the perpetrator present.

Corroborative Evidence

What counts as evidence?

- The victim’s account or statement
- House to house enquiries and statements obtained as a result
- Statements from other witnesses (including children where appropriate)

- Disturbance at the scene of the incident, e.g. furniture/windows smashed – additional evidence that can be provided by photographs
- Medical evidence, such as injuries , which should be photographed as soon as possible
- Forensic evidence
- 999 recordings
- If the perpetrator admits to the crime when questioned under caution

What happens to the Perpetrator after Arrest?

The person accused with the offence will be detained in custody before appearing in court the next “lawful day” – that means the next day the court is sitting, e.g. if arrested on a Monday, they would appear in court on Tuesday and if it was a Friday the accused would be held in the cells over the weekend and they would appear on Monday, as the court does not sit on a Saturday.

Under exceptional circumstances, the accused may be released and given a specific date and time to appear and court (this is called an “early diet”).

If the accused is not traced at the time of the incident, the Police will report the circumstances to the Procurator Fiscal within the same timescales as if the accused was detained in custody and, if appropriate, a warrant will be issued for them. The Procurator Fiscal deals with any requests for warrants as a matter of priority.

The victim should always be kept informed about the progress of the investigation and must be notified as soon as possible, either by the Crown Office’s Victim Information and Advice Service (“VIA”) attached to the criminal courts, or by the Police, when the perpetrator is being released from custody.

Will the perpetrator be given bail?

When the accused appears at court from police custody, the Sheriff will decide whether he should be remanded in custody pending a trial or if they should be released on bail.

The police will request that a special condition be attached to the bail conditions. This is that the accused cannot approach the woman and her children, or enter the family home. Standard bail conditions are:

- Appears at future court diets
- Doesn't offend while on bail
- Does not interfere with witnesses (which includes the woman) or obstruct the course of justice
- Makes himself available for enquiries or reports to assist the court in dealing with the offence

What should a woman do if the special bail condition is lifted or about to be lifted?

Note that the accused can apply to the Sheriff at any time in the proceedings to have the special condition taken away. If the woman becomes aware that the special bail condition is about to be lifted she should contact a solicitor to go to court to get an interdict with powers of arrest against the perpetrator.

What if the accused breaks the bail conditions?

If the man approaches the woman and/or children or contacts them in any way when there is a bail condition imposed, this is a criminal offence and should be reported to the police immediately for the safety of the woman and children involved. There could be a separate charge of breach of bail if there is enough evidence.

Regardless of whether there is corroborative evidence of such conduct, the police have the power to arrest the perpetrator in such circumstances on the basis of the woman's statement only, in order that the Fiscal can seek a review of the accused's bail conditions.

Note that a review of bail conditions can be sought by the Fiscal at any time if there are concerns about the woman and/or children's safety due to the accused not being in custody. Any concerns as to safety, or intimidation, of the woman and/or children or any witnesses should be reported to the Fiscal as a matter of urgency.

What if the woman has given a statement to the police but decides she doesn't want to give evidence in court?

Women who have experienced domestic abuse can sometimes retract their original statements or can be reluctant to give evidence for a number of reasons (including previous experience of the accused's conduct following a court case). Where this happens, the Procurator Fiscal must consider the particular circumstances of the case carefully and may decide to meet with the victim or to instruct the police to interview the victim to explore, sensitively, the reasons for the retraction or reluctance. Importantly, it must be established whether the reason for the retraction is a result of threats or pressure from the accused or any other person.

The perpetration of domestic abuse is a matter which is taken very seriously by the Police, Procurator Fiscal service and the courts. They consider it vital that the public and the accused understand that such offending behaviour will not be tolerated and consequently, the importance of perpetrators being held publicly accountable and facing the criminal consequences of their abuse.

The final decision to continue or discontinue proceedings is for the Procurator Fiscal alone and in domestic abuse cases, the presumption will be to continue with prosecution as it is in the "public interest. Therefore, to achieve this, in a few cases, women may even be compelled to attend court to give evidence; if this occurs, it is crucial that the woman be offered support in giving her evidence. This support can be accessed through the VIA service, the Witness Service, or through other support organisations such as Women's Aid or advocacy services.

What will happen when the case finally comes to court?

The Sheriff will hear the evidence presented by the Fiscal and the accused's defence lawyer and come to a decision as to whether the accused is guilty or not guilty.

If the perpetrator is found guilty, then he may be sentenced immediately or the Sheriff may delay sentencing and continue the case in order to obtain background reports, usually obtained from Social Work, which assist the Sheriff in their sentencing decision. The Sheriff may also defer sentencing for a period of time in order to consider the perpetrator's behaviour during that period, which will then determine the sentence.

If the perpetrator is found not guilty, he will be free to leave court. This can be a very risky time for the woman if she is not aware of the outcome of the case. VIA or the police should contact her as soon as possible to make her aware of what has happened in the court case and whether the perpetrator is being held in custody or is free and could be heading home..

Civil Measures

Those experiencing abuse can apply for court orders to protect them. The most common measures used are interdicts and, more rarely, non-harassment orders, which are less straightforward to obtain. Spouses, registered civil partners and cohabiting couples (whether same sex or heterosexual) are also able to seek exclusion orders in certain circumstances. All civil remedies have in common that the victim requires to take the step of raising court action and it does not take effect until the perpetrator is made aware of it.

Interdicts

An interdict is a court order preventing behaviour by the person the interdict is granted against. Some examples of this behaviour (which must be more than very minor) are:

- Approaching a person in a particular area
- Approaching an address
- Telephoning
- Texting

Interdict is an order preventing future conduct so there must be enough to suggest that the conduct will or might be repeated.

Interdicts are not simply granted on request. The person applying to court has to have sufficient evidence of the molestation, harassment or abuse. In civil court proceedings the court does not legally need corroboration as it does in a criminal case, but the court has to have enough evidence to satisfy the Sheriff, particularly if the opponent is denying the allegations. Temporary or emergency interdicts (known as interim interdicts) can be granted by the court before the court has heard all the evidence, and these are usually granted if the applicant's allegations are serious enough and there is no prejudice to the opponent by the temporary order being granted.

Interdicts under the Protection from Abuse (Scotland) Act 2001

The Protection from Abuse (Scotland) Act 2001 allows the court to grant wide protection from abusers. The Act is useful because :-

- It extends the opportunity to get an interdict with powers of arrest to anyone, regardless of their relationship to the abuser or where they live. Previously powers of arrest were only available on “matrimonial interdicts” (see later). A “Power of Arrest “ gives the police discretionary powers to arrest and detain the person in breach of the interdict without a warrant, and without the need for that person to have committed a separate criminal offence. The power of arrest is not a punishment. It is a protective measure that removes the abuser/harasser to a police cell until the next court date when they will be taken to the Sheriff Court, providing that the person holding the interdict has indicated a wish to raise proceedings for breach of interdict. If the person holding the interdict does not take such proceedings, the arrested person is simply released unless the Sheriff considers the steps outlined below
- It gives Sheriffs powers to detain the person in breach at a police station for a further two days after the arrest
- The test which has to be met before getting a power of arrest is that the Sheriff views it as necessary to protect against breach of interdict by the person interdicted. A power of arrest is not granted automatically.
- Any powers of arrest attached to an interdict under this Act don't disappear when divorce is granted

Interdicts can be applied for by:

- Married women, partners of abusers or ex-partners
- Children
- Co-habiting couples
- Same sex couples
- Cohabitees without relevant occupancy rights
- Other family members
- Neighbours of the abuser

Children & Interdicts

Each individual at risk of abuse should apply themselves, and children can apply on their own behalf if of sufficient age (technically known as having “legal capacity”). This means that children of twelve years or older can apply on their own for an interdict. For children under twelve years of age, a parent or guardian can apply on behalf of the child. The child will still be the applicant, because they are applying for their own protection and they will be regarded as the person who has obtained the Power of Arrest.

How long does “Power of Arrest” under this Act last?

It can last for any period specified, up to three years. It’s important to keep in mind the date that the Power of Arrest expires at the end of the period specified and the person who obtained the interdict may then need to reapply if they want these powers of arrest extended further. They should therefore seek advice from a solicitor **before** the date on which the power of arrest is due to expire.

Definition of Abuse from the 2001 Act

Abuse is defined in the Act extremely widely to include:

‘violence, harassment, threatening conduct and any other conduct giving rise or likely to give rise to physical or mental injury, fear, alarm or distress’.

This ensures that psychological as well as physical abuse is covered.

Conduct, within the definition of the abuse above is stated as including: ‘speech and presence in a specific area or place’, as well as the obvious acts of violence or threatening behaviour.

By defining conduct as ‘presence’ this makes it clear that conduct does not have to be active for it to be abusive.

Interdicts and the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (as amended).

If the woman wishes to exclude the abusive partner from the home and get an interdict she should get advice about using this legislation. Her solicitor will advise about which law to use, depending on the circumstances. Note that the courts will not grant an interdict under this Act which effectively bans an abusive partner or spouse from entering or remaining in the matrimonial/shared home **UNLESS** the interdict comes with an Exclusion Order/Interim Exclusion Order

In terms of interdicts available under the 1981 Act, the new Family Law (Scotland) Act 2006 has strengthened the terms of these protective orders.

Matrimonial Interdicts: The Act amends section 14 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 by extending the scope of the existing matrimonial interdict under the Act (*a matrimonial interdict being one which restrains the conduct of one spouse towards another , or towards a child in the family*) beyond the matrimonial home to include the applicant's place of work, home, any other residence or the child's school.

Also, powers of arrest attached to matrimonial Interdicts under the 1981 Act now last for a period of up to three years and not, as before, until divorce

Domestic Interdicts: The Act introduces a new "Domestic interdict", which can only be obtained by couples living together (including same sex couples). These new interdicts will **only** apply to couples living together, either opposite-sex or same-sex. You **must** be **cohabiting** to obtain this interdict. If you are not living with your partner, you can only apply for an interdict under the Protection from Abuse (Scotland) Act 2001 but you do not lose out in protection as you can still ask the court to prevent your partner from entering or remaining in the same places that the Domestic Interdict covers.

Domestic interdicts will have much the same effect in relation to cohabitantes as matrimonial interdicts have for married couples and will cover the same areas. However, the courts have complete discretion as to whether a power of arrest can be attached to a domestic interdict.

Limitations of Interdicts

Ultimately, an interdict is a court order on a piece of paper, and it is not total protection against a truly determined abuser who cares nothing for the consequences of breaching a court order.

A further limitation of interdict is that it specifies very clearly to the abuser what it is that he or she must not do. Some abusers are sometimes motivated enough,

usually with the help of others not covered by the interdict, to continue molestation but in ways, or by people, not covered by the interdict.

Non Harassment Orders

While there is no specific offence of stalking or harassment in Scotland, a person being harassed or stalked can use the Protection from Harassment Act 1997 to apply to court for a Non Harassment Order. These are much more difficult to obtain than interdicts because the applicant must prove to the court that there has been what is referred to as a “course of conduct” constituting harassment. A “course of conduct” means that there must have been at least two incidents. The Procurator Fiscal can ask for a non harassment order in the criminal case against the offender.

If you are advising women, check whether there is a criminal case pending against the abuser and ask if the Procurator Fiscal intends to seek a Non- Harassment Order. This is useful because it means that the woman does not need to incur the cost of obtaining one herself.

Why get a Non Harassment Order?

It may be useful to get a non harassment order because:

- Breach of the order is a criminal offence
- It is punishable by up to 5 years imprisonment or an unlimited fine

There are, however, specific issues relative to using a non harassment order. Any breach of the order must be reported by the woman and the standard of proof required by the court to prove that a breach did indeed occur is the more exacting criminal standard that the breach must be proved beyond reasonable doubt. The standard of proof used in breach of interdict cases is the less complicated standard of proving that the breach, on the balance of probabilities, did likely occur.

Exclusion Orders

Exclusion orders can be granted in a situation where either one or both parties in a relationship have the right to occupy a house (whether by ownership or lease). The exclusion order is a suspension of the occupancy rights of a person to live in the house. The test to be met is that it is necessary for the physical or mental health or

well-being of the applicant partner. This is quite a high test, and legal advice will always be required on circumstances where someone wishes to know whether the test will be met.

Finding a Solicitor

If a woman wishes to apply for a protective order, she needs to get a solicitor and should look for one who does family law. Most solicitors who practice civil law also do family law.

The woman may also need to check that the solicitor's firm will carry out the work under Legal Aid funding. If a woman needs help identifying a solicitor she can contact The Law Society of Scotland (0131 226 7411). Personal recommendation by word of mouth is another way of finding a good solicitor and advisors may wish to contact organisations such as Women's Aid for names of solicitors either themselves or women have had a good service from.

Legal Aid

Legal Aid can be an important factor in being in a position to pursue a legal remedy for women experiencing domestic abuse. Legal Aid is basically the way that the state pays for legal services to be provided to individuals, and usually, if Legal Aid is not available, legal services will require to be paid for privately. Legal services, especially if a court action is involved, can be expensive.

There are a number of types of Legal Aid, but only two are relevant and considered here. The different forms of Legal Aid not only apply to different types of work done by legal services, but there are also different eligibility criteria and it is not at all uncommon to find that a person is eligible for one form of Legal Aid, but not for another.

Although you can gauge eligibility for Legal Aid before applying for it, you cannot actually make an application until you have found a lawyer able and willing to undertake the work you seek done on a Legal Aid basis. Finding a lawyer who does Legal Aid work can be difficult in some parts of the country but not in others. Finding a solicitor who does Legal Aid work and who also has got the ability to reorganise their other work so as to be able to handle the significant work involved in an interdict case at short notice is much more difficult.

The two types of legal aid usually relevant in the current context are:

- **Advice & Assistance** –covers preliminary work with a lawyer including meetings, correspondence, advice and preparing an application for civil Legal Aid, but Advice & Assistance stops short of covering the work required for a court action
- **Civil Legal Aid** – the form of Legal Aid required for a court action

Advice & Assistance is granted by the solicitor based on information given to the solicitor and is available quickly. Civil Legal Aid requires an application to be submitted to the Scottish Legal Aid Board in Edinburgh and the application process has a number of steps which means that it can take up to several weeks to prepare and lodge an application for civil Legal Aid, and several more for it then to be processed. There are however special urgency steps that can be taken in

emergency situations where urgent court action is required but civil Legal Aid has not yet been granted.

Information on the financial aspects of eligibility is available in leaflets which are widely available, and online at the SLAB website (www.slab.org.uk) or from CABx and other advice agencies. Either form of Legal Aid can involve payment of a contribution, although for those with very low or core benefit income, there is usually no or a small contribution.

Advice & Assistance in relation to cases involving abuse, harassment or molestation is generally granted subject only to the means test applicable. For Civil Legal Aid, as well as a means test, the Scottish Legal Aid Board are also required to consider whether there is a state-able case, and that it is reasonable to grant legal aid.

A solicitor will explain to a client the full details of Legal Aid.

Housing & Domestic Abuse

Getting a court order to keep the abuser away from the home- Exclusion Orders

COHABITING WOMEN- The woman is not married to the abuser but they are living together as husband and wife.

1) The woman is the tenant / joint tenant, or is the owner/ joint owner of the family home

Because of her owner or tenant status, the woman has automatic occupancy rights. This means that she has the right to stay in the home and not be put out by her partner.

If her abusive partner is a joint tenant or owner, or has applied to, and been granted occupancy rights by the court, then she needs to apply to the Sheriff Court to get an order known as an **Exclusion Order** to keep him out of the home.

If her abusive partner is not a joint tenant or owner, or has not been granted occupancy rights by the court, she has no need to apply for an Exclusion Order, because he has no legal right to reside in the property. She can tell him to go and has the right to change the locks on the property after giving him reasonable notice to leave and remove his property. If the abuser refuses to leave, she can apply for an Order for Summary Ejection, enforceable by Sheriff Officers, to forceably remove him.

2) The woman is not the tenant / joint tenant, or is not the owner/ joint owner of the family home

In this case, the woman does not have automatic occupancy rights but can apply to the Court to get occupancy rights. At the same time as applying for her occupancy rights, she can apply to get the abuser excluded

MARRIED WOMEN

1) The woman is married and is the tenant/joint tenant, or owner / joint owner of the family home

All married women have an automatic right to stay in the family home. If she wants to get the abuser excluded, she needs to apply for an Exclusion Order.

2) The woman is married but is not the tenant or joint tenant, nor does she own or jointly own the family home

Being married, the woman still has an automatic right to stay in the family home. Again, if she wants to get the abuser excluded, she needs to apply for an Exclusion Order.

Other Orders

A woman can also apply to court for orders to do with the family home:

- An order to get the tenancy put into her name
- An order to be able to use the furniture in the house
- An order so that the abusive partner has to contribute to certain household costs, for example, hire purchase costs for a household item

What if you own your home and can't pay the mortgage?

If there are mortgage arrears, caused by your partner leaving the home, and the lender raises a court action against you, you can lodge a defence to the action in terms of the Mortgage Rights Act 2001.

You can make an arrangement to repay the arrears at a reasonable rate, along with your monthly mortgage.

Your lawyer will tell the court that the reason for the arrears was that your income has changed/reduced because your partner has left (or you had to get them excluded).

What if you don't own the house but there are mortgage arrears?

If the lender raises an action in terms of the standard security over the house due to arrears, even if you don't own the house, you are still entitled to be notified about such an action. You can lodge a Mortgage Rights defence, but you must seek legal advice. If you qualify for income support, you may qualify for help with your mortgage payments from the Department of Work and Pensions. See a welfare rights officer or other welfare benefits advisor.

Homelessness

A woman fleeing domestic abuse may find herself homeless. This section is about her rights to housing. The main legislation she can use is:

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2001
- Homelessness, etc (Scotland) Act 2003
- Matrimonial Homes (Family Protection) (Scotland) Act 1981, as amended (information on this legislation is included in the 'Civil Measures' section of this booklet)

The 2001 Act places a duty on local authorities to ensure that advice on homelessness and the prevention of homelessness is available free of charge to anyone who wants it. It also places certain duties on local authorities in terms of access to and provision of temporary and permanent accommodation. This gives women and their children certain rights when they are fleeing domestic abuse.

What Rights to Housing does the Woman Have?

If a woman has to leave the home because of domestic abuse, and it is not safe for her to return, she is by definition homeless and in priority need in terms of the 2001 Act. It is necessary for a Local Authority to make a formal assessment of this status, following which there is a right to a permanent housing outcome.

A woman is homeless even if she has accommodation and:

She cannot secure entry into the house

Or

There is a threat of domestic abuse if she continued living there, from a partner or ex-partner.

She should contact her nearest local authority housing office or service point to make a homelessness application. An assessment of homelessness will be made as soon as possible and if out of hours an assessment can still be made by calling the Housing Out of Hours Service on 0845 700 2005.

Is the woman entitled to any help while the Council is making enquiries about the application?

Yes. There is a duty on the council to provide temporary accommodation to all homeless persons, while they progress enquiries, where there is no other accommodation available.

Did the woman become intentionally homeless?

If a woman has to give up a house due to domestic abuse or because of the risk of domestic abuse then the local authority cannot decide she is intentionally homeless.

Is there a right to appeal against a decision not to treat someone as homeless?

There is a right to an internal review of the decision not to accept someone as homeless. There are time limits for making the review (within 21 days) and the review should be made in writing. Seek advice from a housing advisor in those circumstances.

If the review is unsuccessful, there may be scope for bringing a Judicial Review case.

The circumstances in which someone can raise a Judicial Review are limited but the woman should take advice from a solicitor about this.

Other Help

Benefits

Women who leave an abusive partner, may be eligible to claim a number of benefits in their own right. The Highland Council provides free benefits and money advice to anyone living in the Highlands. The Council has produced a guide giving an overview of the benefits that are available and information relating to the service provided by the Customer Income Maximisation Team and the Money Advice Service. More information about the services is included below:

Customer Income Maximisation Team

The aim of the team is to put more money in people's pockets so that they can pay bills, heat homes and have a better quality of life. They do this by ensuring that individuals who are eligible for Benefits and other entitlements have the advice and assistance available to them to access their full entitlement.

They can advise you about all the benefits and other entitlements that are available, undertake benefit checks to ensure you are not missing out on any benefits and provide assistance to help you complete the relevant forms.

Many benefits are means tested however some are not; some are based on your individual circumstances where you need help to look after yourself because of physical or mental disabilities, for example Disability Living Allowance and Attendance Allowance, which if awarded act as a gateway to other types of help which can include additional premiums in the assessment of Income Support, Income Based Job Seekers Allowance, Housing and Council Tax Benefit, Pension and Tax Credits potentially increasing the amount of money you receive, they may also qualify you for concessions on public transport, exemption from road tax, the Blue Badge Scheme, and the Motability scheme.

They can also assist you with advice and support if your Benefit is turned down and you wish to appeal against the decision, and if required provide accompany you and provide representation at Tribunal Hearings.

Getting in touch with them is the first step to maximising your potential income.

You can contact the Council's Income Maximisation Team on **0845 600 4222**, or by e-mail at income.maximisation@highland.gov.uk, or by writing to us at PO Box 5650, Inverness, IV3 5YX.

Money Advice Services

You can contact the Council's money advisers on **0845 600 4222** or by e-mail at money.advice@highland.gov.uk .

Everyone is facing financial challenges these days and for many people, for a variety of reasons, their outgoings are exceeding their income.

If you feel your finances are out of control, The Highland Council's Money Advice Service can provide advice and assistance to help you deal with your debts. We can:

- check if you are getting all the income you are entitled to;
- tell you what creditors can and can't do;
- discuss which options are available to you, to help you deal with your debts; and
- get in touch with your creditors and negotiate on your behalf, taking the stress out of dealing with your bills.

They aim to provide a same day response if you contact us by telephone or e-mail. If you contact them, you will be given advice by an experienced money adviser, so if you are worried and don't know who to turn to, why not call to talk things over?

They can deal with all types of debts – including mortgage, rent and Council Tax arrears, no matter what stage they're at. Getting in touch is the first step to freeing yourself from those sleepless nights and the cycle of 'robbing Peter to pay Paul'.

They also provide a free, one payment facility to help you repay your debts via your bank or using a Paypoint card.

In some cases you may be eligible for a Debt Arrangement Scheme i.e. a free debt management plan. We have approved advisers who can help you make an application for this Scheme.

A Debt Arrangement helps you repay your debts in a managed way, protecting you from action by your creditors. If the Debt Arrangement Scheme is approved, interest and charges on your debts will be frozen. More information on Debt Arrangement Schemes can be found at <http://www.moneyscotland.com>

You can find out more about debt and the consequences at <http://www.aib.gov.uk/guidance/publications/debtbankruptcy/DebtandConseq/debtcons>

If you feel you would like to try and deal with your debts yourself, you can contact the National Debtline on 0808 808 4000 or go to their website at <http://www.nationaldebtline.co.uk/scotland/>

Other sources of help:

You can also get help and advice on Benefit and Money Advice issues from your local Citizens' Advice Bureau (CAB)

Support Services

Domestic Abuse Helpline (24 hour) Caithness & Sutherland Women's Aid Lochaber Women's Aid Inverness Women's Aid Ross-shire Women's Aid Community Violence & Abuse Support Service (Badenoch, Strathspey & Nairn)	FREEPHONE 0800 027 1234 0845 408 0151 01397 705734 01463 220719 01349 863568 01479 812144
Rape & Abuse Line	0808 800 0123 (7pm-10pm) (answered by women most evenings) 0808 800 0122 (7pm-10pm) (answered by men on selected evenings)
Police (in emergency)	01463 715555 999
Housing Department (Emergency out of hours)	01463 702888 0845 700 2005
Social Services (Emergency out of hours)	01463 703456 0845 769 7284
Advocacy Highland	01463 233460
Amina Muslim Women's Helpline	0808 801 0301
Hemat Gryffe Women's Aid Glasgow Asian, black minority ethnic women and children	0141 353 0859
Shakti Women's Aid Edinburgh Black and minority ethnic women and children	0131 475 3299
Victim Support Highland	01463 258834
Useful Websites	www.domesticabuse.co.uk www.zerotolerance.org.uk www.amnesty.org.uk www.un.org