



# Restraining and non-molestation orders

## 1 What is a restraining order/ non-molestation order?

Restraining orders are issued as part of criminal proceedings primarily to protect victims of domestic abuse or harassment. A non-molestation order is a civil court order that may be sought by a victim of domestic abuse against their abuser to prevent harassment or fear of violence. Breaches of either order are considered a criminal offence.

## 2 Clarity on restrictions

Ask to see a copy of the order. Be clear on what it means – does it include indirect contact or contact via a third party? We and the victim need to be clear in order to identify when there has been a breach.

## “ Think about sharing information with any relevant parties ”

## 3 Clarity on restrictions (continued)

**Does everyone who needs to know, know about it?**

Think about sharing information with any relevant parties e.g. other professionals will come into contact with the family and need to be on alert for breaches of the order.

**What is the expiry date – will it need to be extended? Or is there another protective order we could have in place for when this does expire.**

Be mindful of the address and changes to address if the victim/survivor moves. The victim/survivor will need to consider whether to have the address (or area of exclusion) changed on the order, however this may alert the perpetrator to where they are – have a discussion and agree safe next steps with the victim/survivor.

**What to do in the moment**

You must report breaches to police and probation. If urgent call 999, if non urgent report through 101 or website.

**Information sharing**

All agencies need to be aware of the order and what to do if they become aware of a breach. They need this to ensure they can identify risk on their visits and report as necessary. Ensure any safety plans are clear/included in Early Help, or Children's Social Care.

## 4 Practitioner recording

Ensure you record that there is an order in place, brief details, and end date. If you can obtain a copy of the order, save this on your system for clarity. If there is a breach of the order, this may indicate increased risk – ensure you keep this up to date.

## 5 Evidence

Supporting victim/survivor to record/keep evidence is extremely important as this could be crucial to any future prosecution. Apps can be useful for recording information, e.g. Brightsky. Recording on an app means if a phone is lost or damaged the information can be held/kept. Keep reporting (and don't rely solely on the victim/survivor to report) – it builds evidence. This may be difficult when people don't see an immediate change/response but it's important to keep the evidence.

## 6 What to do if there is a breach:

### Report

Ensure the breach is reported to police and inform other relevant agencies.

### Record

Date and time that the breach was reported to you and when it happened, include detail.

### Consider –

- Who else was there?
- Were there any other witnesses?
- Which part of the order do you think has been breached and how?
- What was done as a result of this (i.e., reported to police, referral to support agency).

### Review

Review any safety plans/written agreements/statements of expectations.

## 7 Take it seriously

### Support in a trauma aware way –

a breach of an order can really trigger someone, and they may not respond in a way you think they should. Revisit safety plans that are in place, consider practical safety elements such as locks etc.

### Consider frequency and intensity –

is this harassment? (Harassment would be a separate offence).

“ Revisit safety plans if there is ever a breach of an order ”