

Domestic abuse inquiry

Written evidence to the Home Affairs Committee

July 2018

About Surviving Economic Abuse (SEA)

Many women experience economic abuse within the context of domestic violence. It limits their choices and ability to access safety. Surviving Economic Abuse (SEA) is the only UK charity dedicated to raising awareness of economic abuse and transforming responses to it. We are determined that women are supported not only to survive but thrive.

Introduction

SEA welcomed the proposals set out in the government's consultation on transforming the response to domestic abuse. We were particularly pleased to see the new focus on economic abuse with the proposed statutory definition. Where this has happened in parts of Australia and the United States of America, policy and law makers have identified the responses and resources required to tackle the many different forms that this type of abuse takes. ¹

Yet, we also noted that the proposals set out within the consultation paper were narrow in scope. If the Domestic Violence and Abuse Bill is to represent a 'once in a generation' attempt to end abuse and protect survivors then, in addition to criminal law compliance, there must be a clear legislative commitment to the adequate provision of advocacy and support services. This is a requirement of the Istanbul Convention. In addition, we are disappointed that this Bill is limited to domestic abuse and not all forms of violence against women.

For these reasons, we are delighted that the Home Affairs Committee is taking steps to learn what further measures are needed. Whilst much has changed since the Committee last held an inquiry into the issue of domestic violence, there is still some way to go. We address the specific questions raised by the inquiry below. We also refer the Committee to: our written response to the government consultation and; the report of a roundtable on economic abuse involving our Experts by Experience Group (EEG).²

What further measures are needed to help prevent domestic abuse?

Physical and economic safety are intertwined. However, the emphasis of responses to domestic abuse continues to be on physical safety. It has been suggested that this is because: there has been a lack of focus on women's economic rights;³ resources have been directed towards responding to high-risk cases of domestic violence;⁴ and there is a tension between the short-term nature of domestic violence services and the long-term impact of economic abuse.⁵

Women are three and a half times more likely to be subject to domestic abuse if they find it impossible to find £100 at short notice.⁶ This is not to suggest that there is a causal link between economic abuse and poverty. Economic abuse can affect women from all socio-economic backgrounds. However, abusers may exploit existing economic instability and/or create economic instability through behaviours (control, exploitation and sabotage) that negatively impact women's ability to acquire, use and maintain economic resources. Such efforts are designed to 'subvert women's right to autonomy' and prevent them from freely applying their agency, including in economic life.⁷

Long-term prevention of domestic abuse must, therefore, focus on achieving gender equality, including economic equality.

Research shows that **financial education** can be a strategy for preventing abuse. Financial capability and confidence can help young women make informed choices in their intimate relationships.⁸ The introduction of Relationships and Sex Education (SRE) is urgent but has again been delayed. This has the potential to explore how economic resources can be used to exert power and control with a relationship.

Action also needs to be taken to **raise public awareness and understanding** of the different manifestations that domestic abuse can take. Economic abuse can be hard to identify, particularly in the context of social attitudes and gender roles around money.⁹ Yet an early piece of research into domestic abuse suggests that economic abuse might precede physical violence.¹⁰ Early identification and preventative efforts may, therefore, benefit from increasing awareness of tactics used to introduce economic control.¹¹

Economic barriers to leaving can result in women staying with an abusive partner for longer than they want and experiencing more injuries as a result.¹² In addition, limited access to economic resources is one of the primary reasons women return to an abusive partner. The government cannot begin to increase criminal prosecutions without first providing the material support that women and girls need to live independently.

Some women escape economic dependence through borrowing money from family members and friends, others turn to the welfare system to provide **financial support**.¹³ However, cuts to social security are having a disproportionate impact on women. Against a backdrop of women being twice as likely to be dependent on social security than men, 86 per cent of net savings through government cuts have come from women's incomes.¹⁴

Concurrent reductions in national and local budgets for domestic violence services and financial support to access legal advice, further compromise women's ability to exit.¹⁵ It is important that the government recognises this so that efforts to address economic abuse within the Bill are not unintentionally undermined by other policies.

SEA recently provided oral evidence to the Work and Pensions Committee as part of its inquiry into Universal Credit and financial abuse highlighting how the single payment made to joint claimants makes it easier for abusers to control income. More broadly, SEA is concerned that restricting women's access to an independent income in this way compromises their ability to develop financial capability and stability. The potential for a partner to prioritise his own spending above rent, for example, may result in women finding themselves jointly responsible for arrears. These concerns are echoed in a report by the Women's Budget Group which is supported by SEA and the End Violence Against Women Coalition (EVAW).

With limited resources available, women are at increased risk of getting into serious debt by turning to pay day loans or being sexually exploited by men who seek to take advantage of their situation. Substantial numbers of women are also in debt accrued by the abuser in their name.¹⁶ Women describe simultaneously trying to recover from economic damage inflicted by the abuser when in the relationship, whilst also dealing with new forms of economic abuse post-separation.¹⁷

Successive inquiries (including the Home Affairs Committee inquiry into domestic violence, forced marriage and honour-based violence in 2008) have recommended that local authorities and central Government need to consider introducing some form of specific financial support for those who have experienced domestic abuse.¹⁸ Research into perpetrator programmes suggests that behaviours which display a sense of entitlement to money/finances might be particularly difficult to challenge.¹⁹ This highlights the importance of work to **tackle the behaviour of perpetrators** as part of efforts to prevent domestic abuse.

Housing is another important economic resource for women seeking to rebuild their lives after domestic abuse. Research shows that women need to be settled before they can think about growing supportive networks, addressing health concerns and taking steps to (re)enter education and the workplace.²⁰ However, many perpetrators of domestic abuse remain in the family home whilst survivors and their children are forced to move, frequently between temporary and often unsuitable housing, resulting in negative physical, psychological and economic impacts.²¹

Changes to housing regulations, housing benefit and the shortage of accommodation mean that safe housing is not easily accessible. The National Housing Domestic Abuse Policy and Practice Group (of which SEA is a member) has put forward a 'whole housing approach' to address this, recognising the range of advice and options required to safely address domestic abuse in any area. This approach also addresses the need to help women stay in/access privately rented and owned accommodation.

Is the response of public authorities to domestic abuse good enough, and if not, how could it be improved?

Women tell us that patterns of abuse are often visible, but that public authorities do not always recognise them or do enough to intervene.²² For example, a report by SafeLives²³ identified a strong link between rent arrears and reported incidents of domestic abuse, highlighting the important role that housing providers have to play in early identification of domestic abuse and appropriate responses.

Along with other members of EAW, SEA wants to see radical change in the way that public authorities respond to domestic abuse and other forms of violence against women and girls. It is vitally important that statutory services can respond appropriately and work effectively alongside a national network of specialist support services.

Many key public-sector workers do not receive adequate initial vocational training on domestic abuse. Such training should have a specific module on economic abuse. The government should also address the impact of requiring many critical public services to conduct immigration checks on service users since this may deter women from seeking help.

In addition, SEA remains deeply concerned that the 'No Recourse to Public Funds' rule (NRPF) is preventing migrant victims of domestic and other abuse who have insecure immigration status from accessing safe and secure accommodation. The Destitution Domestic Violence Concession (DDVC), which only applies to those with spousal visas, is too restrictive to be an effective safety net. We contend that denying women access to financial support is a form of state economic abuse. Moreover, it is discriminatory - a position which is clearly set out within Articles 4(3) and 20(1) of the Istanbul Convention.

How to secure the equal protection of BME and migrant women who are victims of domestic abuse?

The government can ensure the equal protection of BME and migrant women by ensuring that professionals understand a) how intersecting inequalities such as gender, race, class and immigration status²⁴ constrain an individual's 'space for action' and b) how abusive men regularly exploit these inequalities when exercising coercion - for instance, using women's fears of deportation and separation from their children to control them.

The expertise of the independent women's sector should be sought when seeking to address these issues. BME women in the UK have built a set of 'by and for' voluntary support services which are expert in understanding and responding to the specific abuse some women experience and the barriers that prevent them from leaving (see EAW's briefing on migrant women and the Domestic Violence and Abuse Bill).

What are the key difficulties encountered by victims of domestic abuse in the justice system and, in particular in the family courts?

The women that SEA works with describe a lack of coordination between criminal and family courts, meaning that they are continually passed back and forth. Some women compare the police response to economic abuse to how physical abuse used to be responded to²⁵ - they are told that economic abuse is a private issue. Recent research shows that, when it comes to assessing risk in domestic abuse cases, police officers rank financial issues nearly bottom in terms of importance.²⁶ This is despite evidence which indicates that, when women experience economic abuse within the context of coercive control then they are at increased risk of homicide.

Interestingly, economic abuse *is* being picked up within prosecutions of the new offence of controlling or coercive behaviour. An analysis of successful prosecutions undertaken by SEA found that an element of economic abuse featured in 60 per cent of cases. This is positive in that the police and prosecutors recognise that economic abuse is part of coercive control. However, because the new offence was introduced to address the issue of psychological abuse, economically abusive behaviours are not 'named' as such.²⁸

There also needs to be cooperation between court jurisdictions. Many women see their perpetrator sanctioned by the criminal courts only then to find that this is not considered within family court proceedings. Indeed, the family courts are often used as an arena for control by the abuser through initiating lengthy and costly proceedings. Gendered imbalances in power and resources also negatively impact the outcome of family court cases due to cultures of disbelief. This means that women are often advised by their own solicitors not to raise the issues of domestic abuse or finances within family court cases since this would lead the court to perceive them as liars and 'gold-diggers'.

What national oversight framework is required to ensure that there are sufficient quality services available at a local level for victims of abuse?

SEA recommends that the *Violence Against Women and Girls National Statement of Expectations* is revised to ensure that commissioners require local services to build an understanding of economic abuse and the negative economic impact of domestic abuse more broadly into the design and delivery of services. Practice responses should facilitate access to economic resources through economic advocacy (which includes routine screening for all forms of economic abuse) and economic empowerment. Article 18(3) of the Istanbul Convention is clear that, as part of their general obligations, Parties should 'aim at the empowerment and economic independence of women victims of violence'. Such work must be closely linked to the provision of therapeutic services, since economic and psychological abuse are closely connected. Therapeutic services are often required to (re)build women's confidence around managing money and (re)entering the workplace.

In addition, Article 11 of the Istanbul Convention requires that Parties undertake to collect disaggregated statistical data of all forms of violence at regular intervals. The Crime Survey for England and Wales (CSEW) asks a question about financial abuse - however the Office for National Statistics (ONS) reports on it alongside emotional abuse as forms of 'non-physical' abuse. This data needs to be disaggregated if the UK is to be compliant.

This would provide an opportunity to reconsider the framing of the current question about financial abuse which is subjective, asking participants whether an intimate partner or family member has prevented them from having a 'fair share' of the household money.²⁹ Furthermore, the evidence base on economic abuse within the context of intimate partner violence illustrates that the concept is more nuanced and multi-faceted than a single question related to access to household income can reveal.³⁰ This would require the government defining what it means by the term economic abuse, since no policy or legislative definition currently exists.

The proposed role and powers of the Domestic Abuse Commissioner

The limited ambition for the Commissioner set out in the Government's proposals is out of step with the violence against women policy framework. The new Commissioner should be able to respond comprehensively to *all forms* of gender-based violence. They should have powers to commission and collect data; review the effectiveness of the law and policy and practice; and ensure that all the needs of all women are met.

SEA is also calling for the Commissioner to launch a national inquiry into economic abuse which considers all forms of violence against women.

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