

Transforming the response to domestic abuse

Surviving Economic Abuse

May 2018

Response to the Government consultation

Surviving Economic Abuse (SEA)

Surviving Economic Abuse (SEA) is the only UK charity dedicated to raising awareness of economic abuse and transforming responses to it. Women must be supported to survive and thrive.

Our response to this consultation harnesses the expert knowledge SEA holds around economic abuse, the practice experience of members of the National Working Group on Economic Abuse (convened by SEA)ⁱ and the lived experience of a group of women who inform and shape our work.ⁱⁱ

On 9 May, SEA also facilitated a roundtable on economic abuse at the Home Office as part of the consultation process. Eighteen survivors attended, as well as the Economic Crime lead from West Midlands Police and officials from the Crown Prosecution Service (CPS) and the Ministry of Justice (MoJ). The learning from the roundtable has been written up within a separate reportⁱⁱⁱ which sits alongside this response.

Introduction

SEA welcomes the government's consultation on transforming the response to domestic abuse. Lots has changed in the eight years since the government published its first strategy on violence against women and girls. We particularly support work that has been undertaken to recognise that domestic abuse is not just characterised by physical abuse, but control and coercion which permeates all aspects of a victim's life. This 'sets the scene' for understanding the significance of economic abuse. Our overarching ambition is that the new Domestic Violence and Abuse Bill recognises that physical and economic safety are linked.^{iv}

At the same time, SEA is disappointed that the Bill is limited to domestic abuse. It does not address violence against women in all its forms. Whilst we acknowledge that the government's approach to tackling domestic violence and abuse remains within the context

of a wider Violence Against Women and Girl's strategy, there is need for changes in the criminal law across the spectrum, particularly in relation to sexual violence. Women do not experience abuse in silos and narrowing the scope of the criminal legislation fails to address women's lived experience of different forms of abuse.

Moreover, economic abuse is also a feature of other forms of violence against women, including, but not limited to: forced marriage, child sexual exploitation, prostitution and trafficking. As such, many of the recommendations included within our response are relevant to addressing these harms too.

It is notable that the proposals within the consultation paper include specific measures to enable the UK to ratify the Istanbul Convention. Yet, in addition to criminal law compliance, the Convention requires adequate provision of advocacy and support services. For this reason, we cannot over-emphasise the importance of ensuring that the Bill sits alongside sustainable investment in specialist support services so that women and girls can access help when they need it.

SECTION 1: PROMOTING AWARENESS OF DOMESTIC ABUSE

Proposed approach to the statutory definition (Q1)

SEA supports elements of the proposed new statutory definition. However, there are also elements that we disagree with.

Recognition of economic abuse

SEA welcomes the proposal that the concept of financial abuse within the policy definition of domestic abuse is broadened out to economic abuse within the proposed new statutory definition. We specifically asked for this when we met with Ministers ahead of the consultation paper being published and included it as a recommendation within our analysis of economic abuse within successful prosecutions of controlling or coercive behaviour.^v In the context of intimate partner violence, abusers control more than 'just' access to money and finances but also those things that money can buy, including food, clothing, transportation and a place to live. It is vital that this is recognised in responses to domestic abuse and we believe that the inclusion of economic abuse within the definition will help ensure that this is the case.

Reference to economic abuse is also consistent with the Istanbul Convention. This recognises that all acts of gender-based violence result in, or are likely to result in, physical, sexual, psychological or *economic* harm or suffering. More specifically, the Convention's definition of domestic violence is understood to mean all acts of physical, sexual, psychological or *economic* violence.^{vi}

Furthermore, reference to economic abuse serves to raise public awareness and understanding of the different manifestations that violence can take (Article 13 of the Convention). Economic abuse can be subtle and hard to identify, particularly in the context of social attitudes and gender roles around money and economic resources.^{vii} Indeed, the Economic Abuse Wheel developed by Sharp (2008)^{viii} illustrates how economic abuse often overlaps with and reinforces physical, sexual and emotional forms of abuse, perhaps explaining why it may be difficult to explicitly recognise this form of abuse. Yet an early piece of research into domestic abuse suggested that economic abuse might precede physical violence.^{ix} Early identification and preventative efforts may, therefore, benefit from increasing awareness of tactics used to introduce economic control.^x

Understanding the term 'domestic abuse'

SEA agrees that, if the response to domestic abuse is to be transformed, it is important to ensure that the term is properly understood. However, introducing a statutory definition which affirms the current policy definition of domestic abuse is problematic.

The term 'domestic violence/abuse' emerged in the mid-1970s to describe violence and abuse within intimate relationships.^{xi} Its expansion, in 2005, to include violence perpetrated by family members conflates the issues and presumes that the dynamics underpinning intimate partner and different forms of family violence are the same. This is not the case.

Domestic abuse is a pattern of controlling and coercive behaviour which includes combinations of physical, sexual, psychological and economic abuse in an intimate partner relationship, some of which continue post separation. It is part of an ongoing strategy of intimidation, isolation and control designed to 'subvert women's right to autonomy'^{xii} thereby restricting their 'space for action'.^{xiii}

As such, our understanding of domestic abuse draws on cultural norms about both masculinity and femininity which cannot be simply 'read across' into other relationships which are often generational and in which the issues of gender and sexuality play out differently. This was evident in the analysis of domestic homicide reviews chaired by Standing Together Against Domestic Violence (STADV) which revealed very different patterns and learnings for murders committed by ex-partners and family members.^{xiv}

An 'incident' based approach further suggests that men and women experience domestic violence in near equal numbers. Yet crime survey data on repeat victimisation reveals that 89 per cent of those subject to four or more incidents of domestic violence are women.^{xv}

Reference to an 'incident *or* pattern' within the existing cross-governmental definition is, therefore, contradictory and confusing.^{xvixvii}

SEA recommends that reference to 'incident' and 'family members' is removed from the existing cross-governmental definition of domestic abuse.

SEA recommends that separate definitions of family violence (including sibling violence and child-to-parent violence) is developed.

Statutory guidance on the new definition should also frame domestic abuse within the broader framework of violence against women. This would ensure that professionals are clear that different forms of gender-based violence are related to and may provide a context for domestic abuse and there may be multiple as well as single perpetrators.

Transforming practice (Q2)

National Standards for domestic violence services recognise the importance of supporting women to achieve financial stability and independence.^{xviii} In addition, outcome measurement frameworks for domestic violence services specifically address the issue of financial abuse (Big Lottery Fund, 2016). Yet practice responses to financial abuse - and economic abuse more broadly - are at an early stage of development in the UK.^{xix} Several reasons have been suggested for why this is the case:

- Work to address financial abuse has historically been 'under-funded and overlooked';^{xx}
- Resources have been directed towards responding to high-risk cases of domestic violence so that the emphasis continues to be on physical safety;^{xxi}

- A tension between the short-term nature of domestic violence services and the length of time it takes to sort out the issues associated with economic abuse;^{xxii}
- It is not possible for domestic violence support workers to meet the economic needs of survivors on their own. Such work requires working with 'non-traditional' stakeholders;^{xxiii}
- Domestic violence support workers come up against structural barriers;^{xxiv} and
- There has been a lack of focus on women's economic rights.^{xxv}

SEA hopes that including economic abuse within the proposed new statutory definition along with developing a definition of economic abuse will lead to an increased level of understanding about the linkages between economic stability and physical safety. Where this has happened in Australia and the United States of America (USA), policy and law makers have identified what responses and resources are required to transform the response to this form of abuse.^{xxvi}

Practice responses should facilitate access to economic resources through economic advocacy (which includes routine screening for all forms of economic abuse) and economic empowerment. Indeed, 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'.

In addition, commissioners of services need to ensure that an understanding of economic abuse and the negative economic impact of domestic abuse more broadly is built into the design of services – for example, putting in place a hardship fund so that women who are still living with a perpetrator can afford travel, childcare and mobile phone top-up costs which are needed for them to access support.^{xxvii}

It could be argued that current systems undermine the ability of survivors to maintain economic stability after leaving an abusive partner. Refuges, for example, are often too expensive for working women meaning that many give up their jobs and move onto housing benefit so that they pay the rent.^{xxviii}

Embedding the new definition in practice (Q3)

The new definition can be embedded into practice through updating statutory guidance documents to reflect the new definitions. This should be underpinned by vocational and continuing professional development training. It is concerning that many key public-sector workers continue to receive little, if any, training on the different forms of violence against women. For instance, a report published by Cumberland Lodge found that some medical and dental schools do not currently include this issue in the curriculum and very few adequately recognise it as a determinant of health.^{xxix}

Such training should have a specific module on economic abuse. A scoping study undertaken by SEA found that few organisations deliver specific training on this form of abuse and how to deal with its consequences.^{xxx} Instead, it is touched upon within more generic training programmes. Entry points for discussion were identified as: reference to financial abuse within the cross-governmental definition of domestic violence; reference to economic abuse within the Duluth Power and Control wheel; exploring barriers to women leaving abusive men; economic destitution arising from the No Recourse to Public Funds rule; and the economic impacts of domestic violence. Interviewees indicated that the knowledge that underpins their response to economic abuse is instead developed 'on the job' through their work with women and learning from more experienced colleagues.

SEA recommends that the Government should ensure that the National Statement of

Expectations on violence against women and girls services identifies the need for economic advocacy.^{xxxix}

To build the capacity of voluntary sector organisations in responding to economic abuse, SEA is delivering training to local groups and through SafeLive's Outreach Expert training in partnership with the Domestic Abuse, Money and Education (DAME) Project. The Crown Prosecution Service (CPS) has indicated that this would be helpful for prosecutors and we would welcome the opportunity to train other statutory agencies too.

Impact of the age limit (Q4)

SEA believes that the changes to the age limit in the 2012 domestic abuse definition have had positive and negative impacts.

Positively, the change has improved understanding that young women will experience domestic abuse within their own intimate relationships and that a specialist response is required. The intersection of gender with age has not been explored in any great depth within the literature on economic abuse.^{xxxix} However, practice suggests that young women may experience it in certain forms- for example, taking out car-finance for abusive partners which they are then liable for.

This is also a critical area of overlap with child sexual exploitation, where an abuser may groom a young person into believing that they are in an intimate relationship as part of their efforts to create a 'conducive context' for exploitation. Again, this may involve economic abuse.

Less positively, the reduction in age has led to 16 and 17-year olds falling between adult and child safeguarding procedures. Because domestic violence refuges rely on the receipt of housing benefit, many are unable to accommodate young people under the age of 18. Even though young people can get married with their parent's permission at 16 they are simultaneously encouraged to be economically dependent. Government policy states that all young people should be in education and training up until the age of 18. This means that it is difficult for 16 and 17-year olds to find full-time paid work and/or claim the welfare benefits required for independent living.^{xxxix} Moreover, only a small minority of young people is considered 'very able' and will be supported via homelessness legislation.^{xxxix} Research has shown that young people seek to find other ways of accessing economic resources, leading to them experiencing other forms of abuse.^{xxxix}

Helping children and young people learn about positive relationships (Q6)

SEA responded to the public call for evidence on the scope and content of Relationships and Sex Education (SRE) earlier this year. Within this we recommended that relationships education (RE) should address how power and control can be exerted in intimate relationships. This should include exploring the many forms that control takes (physical, sexual, psychological and economic).

We also highlighted that RE can be successfully integrated with parts of Personal, Social, Health and Economic (PSHE) Education. For example, research reveals that financial education can be a strategy for preventing abuse. Financial capability and confidence can reduce vulnerability and help children make informed choices in their intimate relationships.^{xxxix}

Financial institutions can also play a part in helping children and young people learn about economic equality in relationships. Nearly half of women (47%) questioned in one study

suggested that banks are the best location for campaign and education materials about economic abuse.^{xxxvii} In another, a bank reported that it was running workshops for young women to open-up conversations about money and being in control of your finances.^{xxxviii}

Focusing effort on statutory agencies (Q7)

SEA believes that effort needs to go into ensuring that *all* statutory agencies and groups improve their ability to identify and respond appropriately to domestic abuse (including economic). Priority agencies with respect to economic abuse include: Jobcentre staff, housing staff and the police.

Improving statutory agency understanding of domestic abuse (Q8)

In addition to improving training programmes and introducing guidance, the government can continue to invest in and drive the Ending Violence Against Women and Girls Strategy at the highest Ministerial level. Given the inclusion of economic abuse within the proposed new statutory definition, SEA recommends that the narrative is updated to reflect recognition of the links between physical and economic safety. The accompanying action plan should also address how the linked issues of women's economic inequality and economic abuse will be addressed.

SEA recommends that the Ending Violence Against Women and Girls Strategy and accompanying action plan is updated to reflect the issues of economic inequality and abuse.

SEA recommends that efforts should be renewed to ensure that *all* government departments are committed to this work.

Whitehall departments and all government agencies should also lead by example by ensuring that they have domestic and sexual violence policies in place. Refuge and Respect developed a model domestic abuse policy which addressed the need to respond to both victims and perpetrators in the workplace. Domestic violence resources for employers were also piloted across a large county council and their impact evaluated.^{xxxix}

The public's role in identifying and referring victims (Q9)

SEA agrees that friends, family members, neighbours, employers and housing providers all have an important part to play in identifying abuse and referring victims of domestic abuse to help. In relation to economic abuse, research suggests that other important sources of help are banks/building societies and debt companies.^{xl}

Employers

As noted within SEA's answer to question eight, employers can develop domestic abuse policies which are a powerful 'invitation to tell'. This group is particularly well placed to respond to economic abuse since many abusers will seek to deny their partner access to an independent income, either through doing things to sabotage their employment or by 'allowing' their partner to work, but then insisting that their wages are paid into a joint bank account which only the abuser has access to. SEA is supportive of the Employers' Initiative Against Domestic Abuse which is recognised within the consultation paper. Our Director is also an ambassador for the Corporate Alliance Against Domestic Violence, which advises companies on addressing and mitigating the risk that domestic violence poses to their company and employees.

Housing providers

A recent report by SafeLives^{xli} 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. Importantly, the report suggests that it could be beneficial to put in place an immediate plan of action in terms of rent as part of a wraparound package when domestic abuse is disclosed.

Not only are social landlords well placed to identify and respond to domestic violence (including economic abuse) but so too are private landlords and mortgage providers. As a member of the National Housing and Domestic Abuse Policy and Practice Group, we are supportive of the 'whole housing' approach that the Group is advocating for. This recognises that the Private Rented Sector (PRS) needs to be better informed of domestic abuse, including through: the landlord professional bodies providing training to their members; and developing and disseminating good practice guidance to landlords.

SEA also advocated that the approach includes work to support women to stay in privately owned properties. Banks, building societies and other mortgage providers, as well as estate agents and surveyors also need to have a better understanding of domestic abuse. This includes how the purchase, sale and re-mortgaging of properties may be linked to economic abuse. In addition, an abuser may stop paying the mortgage or refuse to sign paperwork related to it, leading to repossession. Work in this area would relieve pressure on social housing.

SEA recommends that an understanding of domestic abuse is reflected in the work of UK Finance and professional bodies for estate agents, surveyors and legal professionals.

Banks and building societies

The National Statement of Expectations^{xlii} recognises the role that banks can play in identifying and supporting individuals who may be experiencing coercive control, including acting as a safe disclosure point for victims. SEA is supportive of work being undertaken by UK Finance to create a code of conduct on how banks and building societies should respond to domestic and financial abuse. We sit on the advisory group and have contributed to the development of consumer-facing materials. We have also advised Lloyds Banking Group on developing their response to domestic and financial abuse.

Debt companies

It is common for perpetrators of economic abuse to run up debts in their victim's name (see answer to question 35 for more detail). In recognition of this, a domestic homicide problem profile developed by one police force area recommended that more attention should be given to money and debt and that future campaigns should promote debt awareness charities.^{xliii xliv}

Economic abuse is not commonly recognised as/associated with domestic abuse. A recent piece of research found that economic abuse is a key topic that many women search for information about through posing questions about different forms of economic abuse control to online search engines.^{xlv}

SEA recommends that any directory of information outlining what domestic abuse is, should ensure that examples of economic abuse are included.

SECTION 2: PROTECT AND SUPPORT VICTIMS

Priority areas for central government funding (Q10)

SEA has struggled to rank priority areas for central government funding. When addressed well, each of these areas will link across to and reinforce others. In practice, therefore, they will not be separate.

From the list of suggested priority areas, those that most directly help women maintain economic stability are: advocacy for victims to be able to stay safely in their own home, accommodation services and therapeutic services. The latter area is identified since economic and psychological abuse are closely connected. Therapeutic services are often required to rebuild women's confidence. In some cases, this will be relevant to confidence around managing money and (re)-entering the workplace.

Barriers to accessing support (Q12)

The government can better support victims who face multiple barriers to accessing support by ensuring that professionals understand how intersecting inequalities such as gender, race, class and immigration status^{xlvi} constrain an individual's 'space for action'.

SEA is particularly pleased that the consultation paper recognises how socio-economic status may impact upon how victims seek help. We also welcome the statement that government will seek to ensure that domestic abuse is represented through its work on poverty.

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 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.^{xlvii}

A powerful tool through which the government could better support victims is section one of the Equality Act. This introduces a socio-economic duty which requires an authority, when making decisions of a strategic nature about how to exercise its functions, to have 'due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.' Passed by Parliament in 2010, this duty has yet to be brought into force. Commencing it would address economic dependency as a conducive context, not only for domestic abuse, but for other forms of violence against women and girls such as trafficking and prostitution.

At the time of writing, 78 MPs had expressed their support for Early Day Motion 591 calling on the government to bring the socio-economic duty to life. The duty has been enforced in Scotland (known as Fairer Scotland Duty) since 1 April 2018 and in the same month its introduction was endorsed by the Equalities, Local Government and Communities Committee and by the External Affairs and Legislation Committee of the National Assembly for Wales. Both the Equality and Human Rights Commission (EHRC) and the UN Committee on Economic, Social and Cultural Rights (UNESCR) have called on the Government to bring the duty into effect. Similarly, after her official mission to the UK in May, the UN Special Rapporteur on Racism noted with concern the Government's disregard for the duty which would also help the UK abide by the Sustainable Development Goal Number 10: to reduce material inequality nationally.

In line with the #1forEquality campaign launched by Just Fair and The Equality Trust, SEA recommends that section one of the Equality Act 2010 is brought into force.

The expertise of the independent women's sector should be sought when seeking to address inequalities. This is because the women's sector has long factored in and developed specialisms in many of these areas, including the needs of black and minority ethnic (BME) women, children and women in poverty and women with insecure immigration status. Independent, local women's organisations are the best route to crisis and long-term justice and support for victims and commissioning guidance should recognise this. In addition, public sector commissioners should be instructed to carry out thorough needs assessments as a condition of receiving their devolved funding.

Working better with female offenders (Q13)

It is vitally important to work with female offenders and vulnerable women at risk of offending to identify experiences of domestic abuse earlier. As noted above, early identification and preventative efforts may benefit from increasing awareness of tactics used to introduce economic control.^{xlviii} This is significant, since economic abuse may be directly connected to the crimes that female offenders may commit. Examples include: non-payment of council tax or TV license, benefit fraud, begging and shoplifting.

SEA recommends that the police should routinely signpost women to specialist women's services/centres when they commit crimes which could be connected to economic abuse.

Some women may also commit crime as a way of fleeing the impact of domestic abuse, including poverty. Imprisonment might provide an escape route. This suggests that criminal justice agencies should also adopt appropriate enquiries into history of abuse at each stage of the criminal justice process.

SEA further supports the use of schemes which, where appropriate, divert vulnerable women out of the criminal justice system and into specialist services. This would help maintain ongoing economic stability.

Making greater use of women-specific services to deliver interventions in safe, women-only environments (Q14)

Once again, we are opposed to ranking options to deliver interventions when all may be beneficial. In relation to addressing economic abuse specifically, we would endorse: improving access to benefits, finance and accommodation advisors at women only services; the provision of employer interventions at women-only services; and delivery of health interventions such as mental health and substance misuse treatment at women-only services.

Those with no recourse to public funds (Q15)

The government should begin by recognising that abusive men regularly use women's insecure immigration status as a means of exercising coercion and control.

SEA strongly believes that any woman feeling domestic abuse should be eligible for the Destitute Domestic Violence Concession (DDVC). We believe that denying women access to financial support is a form of state economic abuse. In addition, doing so is discriminatory - a position which is clearly set out within Articles 4(3) and 20(1) of the Istanbul Convention.

- Article 4(3): The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured *without discrimination on any ground* such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority,

property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

- Article 20(1): Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, *financial assistance*, housing, education, training and assistance in finding employment.

SEA recommends that the government extend the DDVC to all survivors of gender-based violence and increase the time limit of 3 months to 12, in line with dual housing benefit policy.

The government should also address the impact of requiring many critical public services to conduct immigration checks on service users. We understand that women with insecure immigration status who need police protection from abuse, who want to seek justice, or who may need healthcare, may be deterred from seeking it due to being fearful about the repercussions. This could be addressed by the establishment of 'firewalls' to separate immigration control from public services.

Creating a new Domestic Abuse Protection Order (Q16)

SEA is supportive of the new Order being linked to the new statutory definition of domestic abuse since this will extend its application to cases involving economic abuse, not just cases involving physical violence or threats of violence.

At the same time, we urge the government to undertake a review of how both police and victims use and experience the orders that already exist. Any changes should incorporate the following key principles:

- (1) Women's choices should be at the centre of decision-making in this area and it should never be possible for an Order/Notice to be imposed on her when she does not want it;
- (2) Support from specialist services should be built into the Order; and
- (3) Any new Order should include an equality impact assessment to ensure that all women are able to access protection orders if they want to.

Domestic Violence Disclosure Scheme (Q33)

SEA is supportive of the guidance underpinning the Domestic Violence Disclosure Scheme (DVDS) being put into law. Women consistently tell us that the man who abused them was also abusive to a former partner and has gone on to be abusive to new partners.

Statutory guidance would serve to raise awareness of the DVDS and help ensure it is embedded into good practice across police forces. There are currently considerable regional disparities in levels of disclosure and in responses to requests for partner background checks. To address this, the guidance should be accompanied by the training of police officers so that they better understand the scheme's purpose and the application process. Clear referral pathways to specialist domestic and sexual abuse advocacy and support services should also be in place.

Finally, it is important that women who request background checks on current partners and choose to stay, do not face a 'blame culture' in any potential future investigations or court proceedings related to domestic abuse.

Practical barriers to escaping or recovering from economic abuse (Q35)

Economic abuse involves behaviours (control, exploitation and sabotage) that interfere with a woman's ability to acquire, use and maintain economic resources such as money,

transportation and somewhere to stay.

SEA is delighted that the consultation asks a question specifically about economic abuse. It is vital to address this form of abuse since it limits their ability to seek help and leave an abusive partner. Economic abuse and the negative economic impact of domestic violence more broadly also create challenges when it comes to women rebuilding lives. The case study included within the consultation document was written by one of the women that we work with and serves to also illustrate some of the practical barriers women face.

Indeed, a longitudinal study which followed women and their children for three years after exiting a domestic violence service found that 'space for action' increased in every domain of their life, but that their financial well-being started and remained low.^{xlix} Given that lack of economic security and access to resources post-separation are the primary reason women return to an abusive partner^l economic well-being must be a priority.^{li}

In December 2017, SEA set up the National Working Group on Economic Abuse^{lii} to: identify how economic abuse can be better addressed through policy and legislation; and to close-down the ways in which perpetrators use statutory and legal systems to facilitate this form of abuse.

Here, we draw and expand on the joint consultation response which sets out the most pressing practical barriers faced by domestic abuse victims in escaping and recovering from economic abuse.

The Group's overarching recommendation is that: The Commissioner proposed within the Domestic Abuse (DA) Bill should launch a national inquiry into economic abuse which considers all forms of violence against women.

Barriers to escaping from economic abuse

1. Access to an independent income

Access to an independent income is a major factor in preventing women from leaving an abusive partner and rebuilding their lives.

The welfare system

Many women turn to the welfare system to provide financial assistance. Yet 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.^{liii} This is compounded for women who are located within intersecting inequalities such as race, class and immigration status.^{liv} It is important that the Government's response to economic abuse recognises this so that efforts to address economic abuse within the DA Bill are not unintentionally undermined through other policies.

Recommendation: Government must ensure that social security policies do not undermine women's ability to escape an abusive relationship and more fundamentally that they do not undermine women's rights to gender equality.

Universal Credit

Recent reforms to the welfare system also have the potential to exacerbate economic abuse. The single payment made to joint claimants under Universal Credit makes it easier for abusers to control income.

Although it is possible to apply for a split payment in cases of domestic abuse, victims may not be able to do so. Claimants who are experiencing coercive control may be excluded from the online application process or may be monitored whilst using it, meaning that they do not have an opportunity to highlight their situation and access help. Moreover, it is dangerous for victims of domestic violence to request a split payment in the current system.

When SEA's Director gave evidence to the Work and Pensions Committee as part of its Inquiry into Universal Credit she explained that, however sensitively and carefully a request for separate payments might be handled, actively challenging the control exerted through domestic abuse is dangerous. Research shows that, when women experience economic abuse within a context of coercive control, then they are at increased risk of domestic homicide.^{lv} Since this option is not credible, the Westminster Government should take the lead of the Scottish Executive and seek to introduce separate payments of Universal Credit. Importantly, this would ensure that women across the UK have parity under the Universal Credit system.

Recommendation: Joint claimants of Universal Credit should be offered separate payments as a default.

We welcome the Government's decision to reduce waiting times for Universal Credit, to ensure entitlement starts on the day of the claim and to provide greater support with advances. Yet, despite this, waiting times increase the risk of hardship, particularly women who have had to flee with nothing. In addition, the advances must be paid back over a 12-month period, impacting already limited resources. Survivors used to be able to access crisis loans and community care grants, but access to these is variable now that welfare provision within Local Authority Revenue Support Grants is not ring-fenced.

Recommendation: Local authorities should provide immediate emergency cash payments for women seeking to flee domestic abuse, so they have access to essential items.

Recommendation: Provisions in place for fast-tracking benefit payments to victims of domestic abuse MUST be used.

Recommendation: Women who have fled domestic abuse should be exempt from being required to repay a benefit advance.

More broadly, SEA is concerned that restricting women's access to an independent income in this way also compromises their ability to develop financial capability and stability. The potential for the male partner to prioritise his own spending above rent, for example, may result in women finding themselves jointly responsible for arrears. Direct housing payments to a landlord are therefore very important within the design of the Universal Credit system.

Malicious allegations

Economic abuse may continue or start post-separation since it is a form of abuse that does not require physical proximity to perpetrate.^{lvi} Abusers commonly make malicious allegations of fraud to the Department for Work and Pensions (DWP) resulting in benefit payments being frozen whilst the allegation is investigated. This process enables the abuser to maintain control over their former partner and leaves women with no access to funds in the interim period.

Recommendation: Benefits should continue to be paid to a victim of domestic abuse whilst

an allegation is investigated.

Domestic Violence Easement

The operation of the Domestic Violence Easement (DVE) is narrow in scope and has some clear challenges that must be addressed. Survivors of domestic abuse generally want to keep their jobs or get back to work if they have had to leave employment or have lost jobs due the abuse. However, the impact of domestic abuse and the upheaval for women who have had to leave their homes often creates a huge barrier to employment. Victims of domestic abuse are exempt from work-related requirements for 13 weeks, providing the abuse took place in the previous 6 months and the victim has not made a claim for the DVE in the past year. In addition, the victim is required to provide evidence of the abuse to a work coach at Jobcentre Plus.

Many survivors will not have had contact with the criminal justice system, making 'evidence' of abuse difficult to obtain, especially within the timeframe stipulated. Victims may leave and then return before leaving for good. In addition, thirteen weeks is too short a timeframe to recover from the abuse and trauma caused by domestic abuse and many women will not feel ready to return to work at this point.

Research shows that Jobcentre Plus staff have relatively low levels of awareness about the Easement^{lvii} and may not tell women about it.^{lviii}

Recommendation: The 6-month limit for evidence to access the DVE should be removed in the same way as the time limit has been removed for accessing legal aid.

Recommendation: Expand the 13-week exemption under the DVE to 12 months in line with dual housing benefit policy.

Recommendation: Remove the requirement that victims can only use the DVE once in a 12-month period.

Recommendation: Ensure all JSA claimants are aware of the DVE and are supported to access it.

Recommendation: Ensure that all Jobcentre Plus staff have training on domestic violence and know about the DVE.

Recommendation: Appoint an independent advocate for domestic violence victims within each Jobcentre Plus to act as a direct point of contact and help them navigate the system.^{lix}

Sanctions

Women are more likely than men to have caring responsibilities and be lone parents.^{lx} They are also more likely to experience domestic abuse. An independent inquiry into women and Job Seekers Allowance (JSA) recognised that both factors affect their ability to work and engage with Jobcentre Plus in some of the ways that they are expected to and are, therefore, at increased risk of receiving a sanction.^{lxi}

Article 4(2) of the Istanbul Convention states that Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by prohibiting discrimination against women, including through the use of sanctions.

Two-child limit

Sections 13 and 14 of the Welfare Reform and Work Act (2016) limit entitlement to the child element of Child Tax Credit (CTC) and Universal Credit to a maximum of two children in each household. Known as the two-child limit or 'family cap' this new policy will exacerbate women's and children's poverty by reducing family income and is increasing barriers to escaping an abusive partner.^{lxii} The provision of social security for a third or subsequent child born following rape, forces women to disclose sexual violence at a time and in a context that is not of their choosing and is re-traumatising.^{lxiii} It does not recognise women whose partners stop them from exercising their reproductive rights through taking away their autonomy with respect to birth control.

Recommendation: The two-child limit and its exceptions must be repealed.

No Recourse to Public Funds

As noted above in response to question 15, the safety net provided to victims of domestic abuse is not available to everyone. The 'No Recourse to Public Funds' (NRPF) Rule prevents women without indefinite leave to remain in the UK from accessing the resources they need to flee and access safety. Whilst the Destitute Domestic Violence (DDV) Concession provides support for women who are in the UK on a spousal visa it excludes women who are in the UK on other types of visa (for example, student and work visas) as well as women from the European Economic Area.

Recommendation: All women, regardless of immigration status, should have access to welfare benefits when fleeing domestic violence and other forms of violence against women and girls.

SEA reiterates our belief that denying women access to financial support is a form of state economic abuse and that doing so is discriminatory - a position which is clearly set out within Articles 4(3) and 20(1) of the Istanbul Convention.

Paid employment

An independent income can also be accessed via paid employment. In recognition of this, abusers commonly prevent women who can work from doing so.

As noted in our response to question 8 (on the role of employers) they may refuse to let their partner get a job or sabotage their existing employment. Alternatively, they may let their partner work but insist that their wages are paid into a joint bank account which only the abuser has access to. The negative physical and psychological impact of domestic violence can also make it difficult for women to maintain employment. Those who flee to refuge accommodation may have to give up their job so that the abuser cannot find them. Constantly having to prepare for and attend court following may also have a negative impact on women's ability to maintain employment. Action needs to be taken to help women maintain or (re) enter employment and the group is supportive of the work undertaken by the Corporate Alliance Against Domestic Violence as well as the Employers' Initiative on Domestic Abuse in this regard.

At the same time, Government could develop specific policies in this area. For instance, almost a dozen states in the United States of America (USA) have passed laws requiring employers to provide domestic violence leave. Specific programmes to help women who have experienced domestic violence to get back into work are also needed.

Recommendation: Government should introduce a requirement for employers to provide

leave to employees who have experienced domestic abuse.

Recommendation: Government should work with women's organisations to develop specific programmes that address the impact of domestic abuse on women's ability to access work.

More broadly, help needs to be provided around the costs of child care and to address structural discrimination which results in women being stuck in low paid jobs and on zero-hour contracts.

Child maintenance

Yet another barrier to accessing independent income is the non-payment of child maintenance by the abusive parent. One study found that a quarter of abusers withheld maintenance payments from their children.^{lxiv} This made it virtually impossible for the non-abusive partner to budget and ensure that the children had access to the resources they needed. This included somewhere to live when maintenance is factored into rent/mortgage payments.

Abusers also use the Child Support Agency as a vehicle for controlling their partners financially by manipulating the system and the people who run it. In addition, despite the set-up fee for collecting payments being free in cases of domestic abuse, a four per cent charge is subsequently made for administering the payment, diverting much needed support away from the child(ren).

Recommendation: The Child Support Agency (CSA) should scrap the four per cent collection fee for children maintenance in cases of domestic abuse.

2. Access to housing

Housing is an 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.^{lxv} 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.^{lxvi} Ironically, often the lack of suitable living accommodation is then cited by the abusive parent in applications for child residence which can negatively impact on the non-abusive parent's contact case.

Changes to housing regulations, housing benefit and the shortage of accommodation mean that there is no secure and consistent pathway for women fleeing domestic abuse. The National Housing Domestic Abuse Policy and Practice Group 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.

Recommendation: Government should consider and analyse access to the 'whole housing' approach to domestic abuse set out within the consultation response submitted by the National Housing and Domestic Abuse Policy and Practice Group.

Recommendation: Survivors of domestic abuse should have an automatic right to permanent social housing.

Victims often lack the financial resources required to pay deposits for private rented accommodation. In addition, women who have experienced economic abuse face specific challenges linked to rent arrears and poor credit ratings. As stated in SEA's response to question 9 of the consultation, women may be at risk of losing privately owned homes if the perpetrator stops paying the mortgage/refuses to sign related paperwork or seeks to re-mortgage/sell properties without women's knowledge. 'Non-traditional' stakeholders such as banks and building societies, estate agents and chartered surveyors need to understand the dynamics of domestic violence and take actions to ensure that they do not inadvertently facilitate abuse through their systems.

UK Finance is introducing a code of conduct to guide the response of banks and building societies when they respond to domestic abuse, including financial abuse. Whilst SEA is supportive of efforts to develop helpful responses to disclosures of abuse, protect confidentiality, signpost to specialist advocacy and provide support to survivors trying to regain control of their financial affairs, the Group is concerned that there remains scope for inconsistency with cases responded to on a case-by-case basis. As such there will need to be analysis of the code's impact.

Recommendation: The Government should introduce a duty of care for financial service providers to exercise towards vulnerable customers.

Recommendation: Training on domestic abuse must be delivered to 'non-traditional' stakeholders such as banks and building societies.

Recommendation: Banks and building societies should be required to undertake a review of their policies and processes to ensure that they do not facilitate abuse.

Navigating the housing and financial services systems is challenging and women need good advocacy to help them to do so effectively and safely.^{lxvii}

Recommendation: Additional resources are needed to ensure that specialist advice is readily available for women to address immediate and long term financial safety and security.

3. Starting again

Fleeing domestic abuse requires many women to rebuild their lives from scratch, sometimes on multiple occasions. As noted above, Local Authority Revenue Support Grants have an amount identified for welfare provision, however this is not ring-fenced, so there is no guarantee survivors fleeing abuse will be able to access it. Furthermore, short-term advance payments have narrow criteria meaning that access to the funds required to re-equip new homes is a challenge faced by many women.^{lxviii} This increases the risk that they might return to the perpetrator, get into serious debt by turning to pay day loans or be sexually exploited by men who seek to take advantage of their situation (i.e. sex for rent, pay off debt). Women are often reliant on 'hand-outs' from the local voluntary sector.

A package of compensation

Successive inquiries/studies have recommended that local authorities and central Government need to consider introducing some form of specific financial support for those who have experienced domestic violence and assist with their resettlement.^{lxix} Expanding on this and taking into consideration the challenges already outlined in relation to housing, the Group recommends that a 'compensation package' should be provided to survivors of domestic abuse so that they are not penalised for seeking safety. This should include the cost of new school uniforms and money to pay for private counselling when waiting lists

exist. Further analysis could be undertaken to ascertain all the core costs that would need to be covered.

Recommendation: Local authorities and central Government to develop, alongside the specialist domestic abuse sector, a 'compensation package' for survivors of domestic abuse.

Insurance

Insurers also need to be engaged in conversations around helping women to rebuild their lives. Again, it is not uncommon for perpetrators of economic abuse to set up insurance policies solely in their names or to fail to pay insurance premiums, thereby invalidating policies. This means that women are unable to claim on insurance policies if the perpetrator destroys their property or burns down their home, as in the case of Claire Throssell.^{lxx}

The insurance industry in the UK is increasingly focusing on the specific risks that women face and re-examining its role in protecting them. The Chartered Insurance Institute (CII) established the Insuring Women's Futures programme and has put out a call to action to address the overwhelming shortfall in British women's financial resilience. Research carried out by the CII^{lxxi} demonstrates a clear gender risk gap: women are still more vulnerable to a wide range of risks than men and are less financially resilient. In addition, the report recognises the impact of abusive relationships and, specifically, economic abuse as one important risk faced by women. On this basis, SEA believes that this is a pivotal moment to address insurance in the context of domestic abuse.

Recommendation: The government should engage insurers in discussions on how survivors of domestic abuse can be supported to rebuild their lives.

International best practice can also be adopted to minimise the negative economic impact of fleeing and having to start again. For instance, in Queensland, Australia, a company is providing free moves and storage for survivors of economic abuse.^{lxxii} Similarly, Australia Post offers 12 month's free mail redirection for victims of domestic abuse.

Recommendation: The Government should engage with businesses and stakeholders such as Royal Mail to explore how the economic costs of fleeing domestic abuse can be mitigated.

Such initiatives could build on the work that the government is doing with employers (see section on access to independent income above) and show real leadership in this area by providing practical measures that will not have any costs for Government but will have a big impact on survivors.

4. Dealing with debt and repairing credit

Women may end up in debt because of fleeing domestic abuse, using credit for accommodation and to buy what they need to set up a new household. In addition, they may be in debt because the abuser fraudulently took out debt in their name or coerced them into doing so. Migrant women may be told to sign documents that they do not understand.

Research in the UK suggests that coerced debt is a common problem. In a national prevalence study undertaken by the Cooperative Bank and Refuge, one in ten women stated that a partner had put debts in their name and that they had been afraid to say no.^{lxxiii} Unsurprisingly, research undertaken with survivors of intimate partner violence shows higher levels of prevalence. A survey undertaken by Women's Aid and the Trade Union

Congress (TUC) found that one in five respondents reported loans being taken out in their name and over half said the abuser had built up bad debts in their name.^{lxxiv} Women who report coerced debt are likely to stay in relationships for longer than they want to due to financial concerns^{lxxv} and the Group knows of numerous cases where survivors are left paying off debts that perpetrators have taken out in their name for years after they have escaped the relationship. Coerced debt is therefore an economic barrier to leaving an abusive partner. It also makes the process of rebuilding lives challenging.

With funding from the Department for Digital, Culture, Media and Sport (DCMS) SEA is exploring whether consumer law can be used to challenge debts that are coerced. The working group believes that the new Bill provides an opportunity to explore whether other remedies can be identified. In Australia, for example, banks will investigate circumstances where a co-borrower or guarantor may have been coerced into the credit obligation, and the victim has received limited or no benefit from the credit. They can then decide to settle a claim for the whole or part of a debt against the borrower impacted by family and domestic violence. This can have the effect of severing or apportioning the loan, so the co-borrower pays only a portion (including no payment if appropriate) of the debt in return for a release from the whole of the debt.^{lxxvi} Such an approach ensures that accountability sits with the abuser.

Recommendation: The Government should work with UK Finance and experts in economic abuse to explore remedies to coerced debt.

Credit ratings

A related issue is that of poor credit ratings arising from economic abuse, including coerced debt. As explored above, this can have a negative impact on the ability of a survivor to access rental accommodation. In the USA, an academic is proposing that the Fair Credit Reporting Act is amended to allow victims of coerced debt to repair their credit reports. The proposal would enable family courts to rule on whether alleged coerced debt is, in fact, coerced. The victim could then submit the court's certification to the credit reporting agencies, which would block the coerced debt from her credit report.^{lxxvii}

Recommendation: The Government should work with credit agencies to explore how poor credit histories can be restored in cases of domestic abuse.

Abusers may also insist that utility bills are placed in the name of their partner and may not change this arrangement when their partner leaves. In fact, some abusers deliberately increase their use of the phone/electricity/gas to increase the debt their partner is left with.^{lxxviii} This can cause difficulties when a victim seeks to set up utilities in their new home. At the same time, some utility companies provide grants that can be used to clear debts in these scenarios, suggesting that there is good practice to be learned from them.

Recommendation: The government should work with utility companies to explore best practice in relation to responding to debt caused by domestic abuse.

SEA has produced a scoping report of responses to economic abuse, including consumer issues (i.e. debt) across three London Boroughs.^{lxxix} This has highlighted the role that the women's sector can play in providing money advice and promoting economic inclusion and capability as part of longer term support. Such work is vital to addressing the connections between economic instability and violence.

Recommendation: The Government should ensure that the National Statement of Expectations on violence against women and girls services identifies the need for economic advocacy.

5. Access to justice

As recognised within SEA's response to question 13, some crimes are linked directly to economic abuse. These include non-payment of council tax or TV licenses, benefit fraud, begging and shop-lifting. In some cases, this may lead women to be imprisoned. The Group is pleased that discussions are taking place between women's organisations and criminal justice organisations about the need to make the links between domestic abuse and offending explicit and to address these within Crown Prosecution Service (CPS) policy and sentencing guidelines. Going to prison will, of course, have a negative economic impact in and of itself, making it difficult for women to seek employment going forwards.

Legal Aid

In the civil court system, changes to the Legal Aid system have made the cost of accessing it prohibitive for many women. This means that they struggle to secure legal representation and may be forced to navigate the civil courts as a litigant in person,^{lxxx} particularly in the family courts where one study found that 25 per cent of domestic abuse survivors had been cross examined by the perpetrator. Some women are denied Legal Aid, even though they have evidence of domestic abuse, because they appear to have their own assets or savings so are not assessed as eligible through the means test. However, these are often under the control of the abuser, meaning that they do not have access to them.

Recommendation: There should be an automatic right to Legal Aid in cases of domestic abuse. The areas of law currently excluded from Legal Aid should also be brought into scope for victims of domestic abuse.

Recommendation: In cases of domestic abuse, access to Legal Aid should stand on merit alone and not be means tested. In addition, users should not be required to pay contributions.

A linked issue is the practice of abusers using the family and civil courts as a vehicle through which to continue exerting power over their ex-partner, including financial power. Whilst victims may have no choice but to represent themselves, the abuser may appoint an expensive barrister. The abuser may frustrate proceedings so that the victim must go to court on numerous occasions, thereby increasing financial costs or appealing to change contact orders on multiple occasions so all parties need to go back to court. Constantly having to prepare for and attend court can also have a negative impact on their ability to maintain work (see section one above on access to independent income and employment).

Recommendation: A judicial training programme on domestic abuse is required which addresses how perpetrators use the courts to facilitate abuse.

Recommendation: Judges need to address the use of vexatious complaints and recognise civil proceeding orders as evidence of domestic abuse, coercive and controlling behaviour, and stalking.

Recovering from economic abuse after homicide

Economic abuse can continue after homicide. The abuser may dispose of or sell the victim's economic assets after murdering her. He may also continue to control joint assets, even

after prosecution. SEA and Advocacy After Fatal Domestic Abuse (AAFDA) are working to address the impact of ongoing economic abuse, not only on the children of homicide victims but also the family members who look after them.

We are keen to explore with the government whether there is scope to amend:

- Section 33 of the Senior Courts Act (1981) which provides grounds to apply to the High Court for an order which provides for the 'preservation, custody and detention of property which may become the subject matter of subsequent proceedings' and
- The Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Act 2011 to address situations in which family members inherit the victim's half of jointly owned property but are unable to use/sell it without the abuser's permission.

SEA and AAFDA recommend that the government puts in place financial support for family members who are kinship carers following domestic homicide.

A recent study on children and domestic homicide found that 11 children were living with family members (five with grandparents; two with older siblings; and four with other family members) but that their need for financial support to undertake this role was not adequately recognised. In one case, the grandparents were a retired couple with limited income and they described struggling to manage the financial burden of taking care of their daughter's children on top of their loss.^{lxxxvi} Indeed a recent survey of over 500 kinship carers found that 94 per cent experienced financial hardship after stepping in to care for children.^{lxxxvii}

Online threats and the role of technology in abuse (Q36)

SEA agrees that technology creates new opportunities for domestic abuse. We are, however, concerned that the consultation paper does not acknowledge the way in which it can be used to perpetrate economic abuse. Work to promote awareness of online and technology risks in relation to domestic abuse must address how it can be used to access and control a victim's bank account(s), steal their savings, apply for loans in their name etc.

SECTION 3: PURSUE AND DETER PERPETRATORS

Encouraging and supporting improvements in the police response to domestic abuse (Q37)

Broadly speaking, the police lack an understanding of economic abuse within the context of domestic violence. Some stakeholders compare the police response to economic abuse to how physical abuse used to be responded to.^{lxxxviii} 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.^{lxxxiv} 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.^{lxxxv} In addition, financial issues were identified in just over a third (n=12) of intimate partner homicide cases analysed by the Home Office.^{lxxxvi}

Financial abuse is more probable, than merely possible, in cases of domestic abuse where there is coercion and control.^{lxxxvii}

In theory, different forms of economic abuse perpetrated by an intimate partner should be treated no differently than if they were perpetrated by a stranger. In fact, we argue that economic abuse should be treated even more seriously due to the betrayal of trust that it involves. Yet the police often take the position that a couple is one economic unit and that

each partner has the right to appropriate each other's economic resources. They may suggest that the crime is a civil matter or refer women to Action Fraud who then refer women back to their local police force. One woman at the roundtable facilitated by SEA at the Home Office described this as agencies playing a 'game' with the lives of survivors.^{lxxxviii}

Unfortunately, research also indicates difficulties with the use of police escorts which perform a key role in enabling victims who want to return to a property and collect their belongings to be able to do so safely. For instance, the police may advise against entering the property if the perpetrator denies entry, even if the woman's name is on the tenancy or mortgage.^{lxxxix}

This is connected to the importance of perpetrators being held accountable for and sanctioned for abusive behaviour. The most recent HMICFRS report on the police response to domestic abuse recognises that, despite improvements, the police response is still inconsistent depending on where victims live and the police force's response to domestic abuse.^{xc}

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.^{xcii} Given the proposed inclusion of economic abuse within the statutory definition of domestic abuse, these issues need to be addressed as a matter of urgency. Such work should consider the policy and practice implications that we highlighted within our report:^{xciii}

It should also seek to identify best practice in different police force areas. For example, a domestic homicide problem profile developed in one area recommended that more attention should be given to money and debt when the police respond to domestic violence incidents and that multi-agency partners could ask about issues such as non-payment of rent or begging on the street.^{xciii}

SEA recommends that a roundtable be convened with experts in economic abuse to explore the police response to this issue and how it could be improved.

Improving victims' experience (Q38)

SEA agrees that victims need to have confidence in a justice system which recognises the full spectrum of domestic abuse. In addition to the reasons cited in the consultation paper about why victims may disengage with the criminal justice system, the economic impact of prosecuting a current or former partner needs to be acknowledged. SEA is aware that some police officers suggest to a victim that she might not want to support a prosecution based on the impact that doing so would have on her financial and housing situation – for example, if the perpetrator is the main earner and she is dependent on him. This response is unhelpful since it does nothing to address the abuse.

SEA recommends that all police officers address the economic concerns of victims by linking them into specialist domestic violence services which can help the address issues related to finances and housing.

We also believe that it is essential that victims of domestic abuse are eligible for special measures in criminal proceedings. It is, however, essential that these are part of the best

practice framework which identifies 'key contributors' in achieving successful outcomes in DA cases (the 'deep dive' project). These include:

- A clear multiagency/community approach which addresses risk management and safeguarding procedures;
- Independent Domestic Violence Advisor (IDVA) Support;
- Trained and consistently deployed staff across all agencies (including robust judges); and
- In court services: proactive witness services/pre-trial familiarisation visits/appropriate use of special measures.

Protections in the family court (Q44)

SEA welcomes the government's commitment to legislate to give family courts the power to prevent perpetrators of abuse from cross-examining their victims. This needs to happen as a matter of urgency.

A strong theme within the roundtable on economic abuse that SEA facilitated with a group of survivors was that gendered imbalances in power and resources negatively impacted the outcome of family court cases.^{xciv} The women explained how their ex-partners were well-connected and affluent, meaning that they were able to surround themselves with a team of lawyers and advisors. This left survivors at a significant disadvantage in court, especially if they were not eligible for Legal Aid and had to represent themselves. The recent Women's Aid report on domestic abuse, human rights and the family courts contains very similar findings.^{xcv} The balance of power was further tilted towards those ex-partners who were legal professionals themselves. This gave them extensive insight into the legal system and how to manipulate it.

The women also talked about a culture of disbelief within the family court system where they were 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 'gold-diggers'.

As noted within our response to question 35 on economic abuse and reflected above, family court cases led to the depletion of family finances and resources. In some cases, paying for lawyers to try and address the power imbalance resulted in women getting into considerable debt. Some women had to give up their jobs to prepare for court/and or because of the frequency with which their ex-partner applied for child contact orders to be reviewed. Here we highlight again the importance of courts being aware that perpetrators commonly use the family court system to continue their coercive and controlling behaviour and that this is itself a form of economic abuse.

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. Given that the Bill is proposing recognising harm to children in households where there is domestic violence as an aggravated offence, this needs to be addressed.

SEA recommends that the disconnect between criminal and family courts in cases of domestic abuse is addressed as a matter of urgency.

Controlling of coercive behaviour offence (Q45)

SEA believes that there is further action that the government could take to strengthen the

effectiveness of the controlling or coercive behaviour offence.

The consultation document states that the offence allows perpetrators whose behaviour amounts to psychological and emotional abuse to be prosecuted. However, as noted in our response to question 37, the new legislation is also addressing economic abuse. Our analysis of the first prosecutions under the legislation, revealed that six in ten cases featured economic abuse, revealing that it is more likely to be present than not.^{xcvi}

Statutory guidance notes financial abuse but, despite giving examples of economic abuse does not name them as such.^{xcvii} Economic abuse needs to be explicitly named and defined within statutory guidance. This is important if economic abuse is to be included within the statutory definition and awareness of this form of abuse is to be raised.

As noted in our response to question 35 on economic abuse, victims experience economic harm which can be long-lasting. Where economic abuse takes the form of criminal damage (for example, the destruction of property) then remedial measures can be taken through the court ordering the perpetrator to pay costs. Yet there is currently no way of dealing with victims who are left in debt, for example, and ensuring they receive economic as well as procedural justice.

SEA recommends that consideration is given to how sentencing and criminal injury claims could address economic costs to the victim.

Finally, SEA believes that the government should consider making economic abuse a criminal offence within the new Bill. This is the case in some other countries, including under Section 8 of the Family Violence Act (2004) in Tasmania.^{xcviii}

SEA recommends that the government considers making economic abuse a stand-alone criminal offence.

Aggravating factors in sentencing (Q48)

The negative impact that economic abuse has on children must be considered as an aggravating factor in sentencing. The Economic Abuse Wheel developed by Sharp (2008)^{xcix} shows how economic abuse intersects with 'using children' and this may include: taking the child benefit/tax credit; refusing to financially provide for children; stealing children's savings; selling children's belongings; and destroying children's property.

It is also crucial that domestic abuse policy is linked to work on financial exclusion and child poverty.

Working with perpetrators to change their behaviour (Q57)

It is essential that any community-based programme for perpetrators meets the highest standards of safety and efficacy, with clear commitment to victim safety at the centre (as opposed to programmes which address the perpetrator in isolation). The Respect Standard is the only way to ensure programmes are safe, and, as more programmes are rolled out, meeting the Respect Standard should be a requirement.

Beyond direct work with perpetrators, it is essential that broader, strategic and resourced work takes place in all communities to proactively name, tackle and aim to prevent violence against women and girls. Such work would help ensure an unambiguous message to perpetrators that abuse will not be tolerated.

Research into perpetrator programmes suggests that behaviours which display a sense of entitlement to money/finances might be particularly difficult to challenge, highlighting how deeply entrenched gendered attitudes are. A survey to assess change following such programmes showed reductions in behaviours (that led to an expansion in women's space for action) across 12 indicators. However, change was only marginal for 'tries to use money/finances to control me' (3 per cent).

SECTION FOUR: IMPROVE PERFORMANCE

Priorities for improving data collection (Q58)

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.^c This is important because context is critical. When the CSEW question was replicated within a population-wide survey delivered by The Co-operative Bank and Refuge, men and women were almost equally likely to state that their access to household money was restricted. Yet women were more likely to report experiencing limited access to household money within the context of coercive control.^{ci} Similarly, data collected by the Adult Psychiatric Morbidity Survey for England and analysed by the National Centre for Social Research looked specifically at access to a fair share of the household finances. Here, almost half of adult men and women experiencing violence reported restricted access to household finances; but, those with the most extensive experience of violence were more likely to be women.^{cii}

In addition, 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.^{ciii} This would require the government defining what it means by the term economic abuse, since no policy or legislative definition currently exists.

SEA recommends that the CSEW asks questions about economic abuse and that the ONS reports the findings.

SEA recommends that the government develops a definition of economic abuse and uses this to inform and conduct population-based surveys at regular intervals to assess its prevalence.

Establish a Domestic Abuse Commissioner in law (Q60)

SEA strongly supports the appointment of an Independent Commissioner who would provide public leadership on tackling domestic abuse and play a key role in overseeing and monitoring provision of services in England and Wales. However, we believe that domestic abuse should be part of a wider violence against women and girls (VAWG) portfolio.

As we have consistently stated throughout our response to the consultation, it is crucial that domestic abuse is framed within an understanding of the interconnectedness of the

different forms of gender-based violence that many women and girls experience. The national policy framework recognises this, and we believe that independent oversight of the cross-governmental Violence Against Women and Girl's strategy should fall within the Commissioner's remit. The Violence Against Women and Girls Commissioner could:

- (1) Map provision of services across all forms of VAWG ensuring the National Statement of Expectations is met^{civ} and in line with the VAWG strategy;
- (2) Ensure data collection is effective and comprehensive, mapping prevalence and response across England for all types of VAWG;
- (3) Make the links in DHRs and help ensure lessons are learned;
- (4) Ensure the criminal justice system can respond to all forms of VAWG; and
- (5) Ensure the ambitions within the VAWG strategy are met, including taking an overview of public services' response to VAWG, and analysing the potential impact of policies which could have a negative impact on some women.
- (6) Ensure the response to VAWG is reflective of women's lives and services meet their needs; this means being alert to the need for specialist support services including BME and LGBT specialist services which are an essential element of the response to VAWG.

As a member of the End Violence Against Women (EVAW) Coalition, we are committed to supporting a VAWG Commissioner with the powers and budget to contribute to the vision of a society where violence against women and girls is prevented, and the response to VAWG is compassionate, effective and just.

Learning from Domestic Homicide Reviews (Q62)

SEA is supportive of a VAWG Commissioner routinely collating, quality assuring and sharing lessons from domestic homicide reviews (DHRs). This function should include the development of a central repository of all DHR reports so that academics and researchers can also access this data for analytical purposes. An annual report on the main themes of DHRs should also be published. In line with the analysis of DHRs undertaken by STADV^{cv} separate analysis should be undertaken according to the type of homicide i.e. intimate partner, child to parent, siblings etc. so that we can develop a better understanding of the specific dynamics which underpin different forms. As a member of the DHR quality assurance panel at the Home Office, we are aware that economic abuse commonly features across these diverse types of cases and we believe that practice responses could be developed/improved by such analysis.

We would also like a new VAWG commissioner to introduce a duty on government and public authorities to absorb relevant lessons from DHRs.

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ⁱ Member groups include: Advance, Agenda, Beck Fitzgerald, Citizen’s Advice, Domestic Abuse Housing Alliance (DAHA), End Violence Against Women (EVAW), GEMAP Scotland Ltd; Imkaan, Nia, Refuge, Rights of Women (ROW), Standing Together Against Domestic Violence (STADV), Solace Women’s Aid, Surviving Economic Abuse (SEA), Suzy Lamplugh Trust and Women’s Aid. Individual members include: Jennifer Glinksi, Amanda Morgan, Hannana Siddiqui, Ravi Thiara and Cassandra Wiener.

ⁱⁱ The ‘Experts by Experience’ Group

ⁱⁱⁱ For more detail see: Surviving Economic Abuse (2018) *‘Economic abuse is your past, your present and your future’* – a report on the practical barriers women face in rebuilding their lives after domestic abuse

^{iv} The risk of experiencing physical abuse among those who experience economic abuse is nearly five times greater than those who do not: Outlaw, M. (2009) No One Type of Intimate Partner Abuse: Exploring Physical and Non-Physical Abuse Among Intimate Partners *Journal of Family Violence*. 24: 263-272

^v <http://survivingeconomicabuse.org/wp-content/uploads/2018/03/SEA-Calls-for-the-Domestic-Violence-and-Abuse-Bill.pdf>;

<http://survivingeconomicabuse.org/wp-content/uploads/2017/12/PlainSight.pdf>;

<https://www.wcmt.org.uk/sites/default/files/report-documents/Sharp%20N%20Report%202016%20Revised.pdf>

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^{xxii} Sharp-Jeffs, N. (2017a) Responding to coerced debt: Consumer advocacy for survivors of economic abuse

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^{xxvii} Sharp-Jeffs, N. (2017a)

^{xxviii} Sharp-Jeffs, N. (2016)

^{xxix} Sharp-Jeffs, N. (2017b) *Violence Against Women: A Determinant of Health*, Conference Report, Cumberland Lodge

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^{lii} SEA convenes the National Working Group on Economic Abuse. Member groups include: Advance, Agenda, Beck Fitzgerald, Citizen's Advice, Domestic Abuse Housing Alliance (DAHA), End Violence Against Women (EVAW), GEMAP Scotland Ltd., Imkaan, Nia, Refuge, Rights of Women (ROW), Standing Together Against Domestic Violence (STADV), Solace Women's Aid, Surviving Economic Abuse (SEA), Suzy Lamplugh Trust and Women's Aid. Individual members include: Jennifer Glinksy, Amanda Morgan, Hannana Siddiqui, Ravi Thiara and Cassandra Wiener.

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- lxxii <https://mashable.com/2016/03/10/a-storage-company-is-giving-free-moves-to-domestic-violence-victims-in-australia/#ALvOOSpA28qT>
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^{ciii} Sharp-Jeffs, N. (2015)

^{civ} This should include economic advocacy and empowerment

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