

SURVIVING ECONOMIC A B U S E

Domestic Abuse Bill: The inclusion of economic abuse and the need for a post-separation economic abuse amendment

He can't physically get me, he can't emotionally hurt me, and yet still, economically he can cripple me.¹

Key points:

- **Surviving Economic Abuse (SEA) welcomes the Domestic Abuse Bill and its potential to transform the response for victims. In particular, we welcome the inclusion of 'economic abuse' in the new statutory definition of domestic abuse.**
- **Work to recognise and tackle economic abuse is vital:**
 - **One in five women in the UK report having experienced economic abuse from a current or former intimate partner.²**
 - **95% of domestic abuse victims experience economic abuse.³**
 - **Economic abuse rarely happens in isolation; 86% of those reporting economic abuse also experience other forms of abuse.⁴**
 - **Economic abuse is linked to physical safety. Women who experience it are five times more likely to experience physical abuse.⁵**
 - **60% of domestic abuse survivors are in debt as a result of economic abuse.⁶**
 - **One in four women reports experiencing economic abuse after leaving the abuser.⁷**
- **Yet intentions to better address economic abuse through the Bill are at risk of being undermined by other Government policies that inadvertently facilitate it, including in relation to Universal Credit, legal aid, and financial institutions.**
- **Moreover, current legislation on coercive control is not in line with this wider definition of domestic abuse and needs to be reformed.**
- SEA, with the support of SafeLives and others, is calling for a vital amendment to the Bill to include post-separation abuse in the offence of controlling or coercive behaviour.
- This is needed as abusers often continue to use coercive control after separation and victims are at a heightened risk of homicide in this period.⁸ Given that economic abuse does not require physical proximity it commonly continues, escalates and, in some cases, may begin after separation, creating a significant barrier for victims seeking to rebuild their lives.

What is economic abuse?

This form of abuse is designed to reinforce or create economic dependency and/or instability; limiting women's choices and their ability to access safety. **'Economic abuse'** as a term recognises that it is not just money and finances that can be controlled by an abuser (known as 'financial abuse') but also things that money can buy, including food, clothing, transportation and housing. One in five women in the UK report having experienced economic abuse from a current or former intimate partner.⁹ Given it does not require physical proximity, economic abuse can continue, escalate or even start after separation.

Lack of access to economic resources can result in a victim staying with an abusive partner for longer and experiencing more harm as a result. **Economic abuse is also linked to physical safety, with women who experience it being five times more likely to experience physical abuse.**¹⁰ Further, lack of access to economic resources post-separation is the primary reason women return to an abusive partner¹¹ and makes the process of rebuilding an independent life challenging.

Economic abuse and the Domestic Abuse Bill

The Domestic Abuse Bill provides a crucial opportunity to transform responses to economic abuse and to improve the lives of victims. **SEA welcomes the proposed inclusion of economic abuse in the new statutory definition** of domestic abuse, and the benefit this would bring to women.

Recognition of the broad nature of economic abuse will help to improve the response to domestic abuse. However, **intentions to better address economic abuse within the new definition are at risk of being undermined by other Government policies that currently inadvertently facilitate it.** Pertinently, the current legislation on coercive control is not in line with this wider definition of domestic abuse and needs to be reformed.

Extending the offence of controlling or coercive behaviour to post-separation (economic) abuse

Economic abuse commonly continues and/or escalates after a couple separates. **It can also start post-separation, when the opportunity to continue other forms of controlling and coercive behaviour has been removed and when restricting/exploiting/sabotaging a former partner's access to economic resources may be the only way left to exert control.**

This is why SEA, with the support of SafeLives and others, is calling for the legislation on controlling or coercive behaviour to be extended to post-separation abuse. Coercive control, including economic abuse, often continues after separation and victims are at heightened risk of homicide in this period.¹² The Domestic Abuse Bill is the ideal opportunity to achieve this change. SEA proposed an amendment to this

effect, which was tabled before the Bill Committee in the House of Commons in June. In his response the Minister for Justice Alex Chalk acknowledged the importance of the points raised, saying: '***I entirely agree with the Surviving Economic Abuse charity raising the issue, and it has done an important public service in doing so.***' The amendment was, however, withdrawn due to a review which the government said it is conducting on the offence of controlling or coercive behaviour. SEA firmly believes that the review, which looks across the entire spectrum of the offence and does not focus specifically on economic abuse, should not stand in the way of the vital opportunity presented by the Bill to make this change.

The current legislation on coercive control, the Serious Crime Act 2015, covers situations where people are either a) in an intimate relationship with each other or b) living together and are either family members or have previously been in an intimate relationship with each other. This means that where two individuals are no longer in an intimate relationship and they do not live together, behaviour by one of them towards the other cannot fall within the offence of controlling or coercive behaviour. Similarly, family members who do not live together are excluded.

Indeed, research into economic abuse has shown that one in four women report experiencing it post-separation.¹³ The ways in which economic abuse can continue, escalate or even begin as a form of coercive control include:

- spending money from a victim's personal bank account or from a joint account;
- running up bills in the victim's name;
- prolonging the sale of joint property;
- damaging or stealing personal property;
- interfering with the victim's employment and their ability to keep their job;
- refusing to pay child maintenance; and
- continuously taking the victim to court resulting in financial costs

SEA's analysis of successful prosecutions of the controlling or coercive behaviour offence shows that six in ten involve economic abuse.¹⁴ Research shows that coercive control, particularly in this form, continues after the victim's relationship with the perpetrator has ended and they are no longer living together. As SEA highlighted in its response to the 2019 consultation on the introduction of the coercive control offence, '**Abusive men will find ways to maintain dominance over their partners, even without physical proximity**' (Stark, 2007) and including through economic abuse (Sharp, 2008).¹⁵

Post-separation economic abuse case study - 'Layla'

Layla was married for over 20 years and has three children. Her husband was controlling and coercive throughout the marriage both economically and emotionally, pressurising her to transfer money to his bank account and forcing her to let him use the credit card she had in her sole name.

He ran up debt on her credit card and, after separation, forced her to release hundreds of thousands of pounds of equity from the mortgage. Layla continues to pay debts he has put in her name, including bank loans of £70,000. He continues to use her contact details rather than his own, so she is being regularly chased by his creditors for money. Layla has been regularly visited by bailiffs demanding payment of the perpetrator's debts which she had to pay.

The police have said that the continuing economic abuse cannot be considered under the coercive control offence as the perpetrator had left her.

The Serious Crime Act 2015 must therefore be amended to extend the offence of controlling or coercive behaviour to post-separation abuse.¹⁶ The proposed amendment removes the requirement to live together in the case of other family members as well as intimate partners, in line with the new definition of domestic abuse.

Other priority measures to prevent economic abuse

To ensure that the recognition of economic abuse in the Bill is truly meaningful and will make a real change in the lives of victims, SEA is also calling for:

- Joint claimants of Universal Credit to be offered separate payments as a default;
- Domestic abuse survivors to be exempt from the legal aid means test;
- Domestic abuse survivors to be provided with paid employment leave; and
- A duty of care to be placed on banks and financial institutions to support domestic abuse survivors

About Surviving Economic Abuse

SEA is the only UK charity dedicated to raising awareness of and transforming responses to economic abuse. Our work is informed by Experts by Experience – a group of over one hundred women who speak about what they have gone through so that they can be a force for change.

For more information about SEA and our key asks for the Domestic Abuse Bill please contact: cyrene.siriwardhana@survivingeconomicabuse.org

¹ Sharp-Jeffs, N. (2015) *Money Matters: Research into the extent and nature of financial abuse within intimate relationships in the UK*. London: The Co-operative Banks/Refuge

² The Cooperative Bank & Women's Aid (2015), *My Money, My Life*.

³ <https://survivingeconomicabuse.org/report-finds-that-6-in-10-domestic-abuse-survivors-are-struggling-with-coerced-debt/>

⁴ Sharp-Jeffs, N. with Learmonth, S. (2017) *Into Plain Sight: How economic abuse is reflected in successful prosecutions of controlling or coercive behaviour*

⁵ 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

⁶ <https://survivingeconomicabuse.org/report-finds-that-6-in-10-domestic-abuse-survivors-are-struggling-with-coerced-debt/>

⁷ Sharp-Jeffs, N. (2015)

⁸ Home Office (2016), *Domestic Homicide Reviews: Key Findings from Analysis of Domestic Homicide Reviews*

⁹ The Cooperative Bank & Women's Aid (2015)

¹⁰ Outlaw, M. (2009)

¹¹ ANZ/RMIT University (2016) *MoneyMinded Impact Report: The Role of Financial Education in a Family Violence Context*

¹² ANZ/RMIT University (2016)

¹³ Sharp-Jeffs, N. (2015)

¹⁴ Sharp-Jeffs, N. with Learmonth, S. (2017). This figure is consistent with our ongoing analysis of such prosecutions where currently 117 out of 184 involve economic abuse.

¹⁵ Surviving Economic Abuse, response to Home Office consultation *Strengthening the Law on Domestic Abuse, 2014*

¹⁶ It has been argued that abuse by an ex-partner or family member who no longer lives with the victim is captured under existing legislation on stalking and harassment. However SEA contends that this legislation is not a good fit for economic abuse. The stalking offence is framed as a course of conduct which causes the victim to fear that violence will be used against her, or causes serious alarm or distress which has a substantial adverse effect on her day-to-day activities. The wording used to describe stalking does not naturally fit with the kinds of economic harm commonly experienced by women following separation, and neither do the examples of the offence given in the legal guidance relating to it. Economic abuse both during and after a relationship generally consists of an abuser exercising control over the survivor, through denying access to economic resources such as money, sabotaging economic resources or exploiting them, so as to create economic instability and prevent a survivor from rebuilding their life safely and independently. For instance, a common experience of post-separation economic abuse which would fall outside of the stalking legislation is the deliberate non-payment of a joint mortgage to the point of repossession. This represents ongoing economic control, sabotage of an economic asset and creating economic instability resulting in homelessness. Similarly, the stalking legislation would not appear to cover other kinds of economic harm experienced by women following separation such as those mentioned above.