



The Domestic Abuse Bill and the recognition of economic abuse House of Lords Report Stage briefing

Key points

- Addressing economic abuse is vital:
 - One in five women in the UK report having experienced economic abuse from a current or former intimate partner.¹
 - Research by Surviving Economic Abuse (SEA) shows that 95% of domestic abuse victims experience economic abuse.²
 - Economic abuse rarely happens in isolation; 86% of those reporting economic abuse also experience other forms of abuse.³
 - Economic abuse is linked to physical safety. Women who experience it are five times more likely to experience physical abuse.⁴
 - SEA's research found that 60% of economic abuse survivors are coerced into debt.⁵
 - **One in four women reports experiencing economic abuse after leaving the abuser.**⁶
- SEA welcomes the Domestic Abuse Bill and its potential to transform the response for victims of economic abuse. In particular, we welcome:
 - the inclusion of 'economic abuse' in the new statutory definition of domestic abuse -which we led the call for - and
 - the government's agreement to the amendment extending the offence of controlling or coercive behaviour in the Serious Crime Act to include post-separation abuse – a vital amendment which SEA has been leading on and which is now tabled as Amendment No. 45.
- The amendment is needed as abusers commonly continue their use of coercive control after separation and victims are at a heightened risk of homicide in this period.⁷ Given that economic abuse does not require physical proximity it continues, escalates and, in some cases, may begin after separation, creating a significant barrier for victims seeking to rebuild their lives. The amendment therefore finally recognises the reality of coercive control following separation and provides protection to victims experiencing this particularly insidious form of abuse.
- Indeed, a Home Office review into the effectiveness of the controlling or coercive behaviour (CCB) offence referenced calls for the extension of the offence to post-separation abuse, highlighting prosecutors and the police had 'different interpretations of when a relationship had ended'. Extending the scope of the CCB offence to apply post-separation will, therefore, ensure consistency of response for all victim-survivors. The review also evidenced lack of understanding within the criminal justice system of economic abuse and points to inadequacy of current data collection methods to capture coercive control, which SEA had highlighted in early submissions on the Bill. A brief analysis of the review as it relates to economic abuse can be found at Annex A.
- There is more to be done to ensure that the amendment on post-separation abuse is implemented effectively so that victims fully benefit from it. The CCB literature review further pointed to missed opportunities to use CCB in a range of behaviour patterns evidenced through victim statements and previous records, which included practices of isolation, deprivation and economic abuse. As such, **increasing general awareness and understanding of coercive control, how economic abuse fits into this pattern of behaviour, and training of professionals across the criminal justice system is vital.**

- Intentions to better address economic abuse by recognising it within the Bill are at risk of being undermined by other government policies that inadvertently facilitate it, including in relation to the No Recourse to Public Funds rule; Universal Credit; and the legal aid means test.

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.⁸ SEA's analysis of successful prosecutions of the controlling or coercive behaviour offence shows that six in ten involve economic abuse.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 than they want to 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.

Research into economic abuse has shown that one in four women report experiencing it post-separation.¹² SEA sees the ways in which economic abuse can continue, escalate or even begin as a form of coercive control everyday through its work alongside victim-survivors. They 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

What more we need to do – ensuring post-separation abuse is properly prosecuted

The Home Office review into the offence of controlling or coercive behaviour (CCB) highlighted the following issues of relevance to economic abuse:

- The inadequacy of current data collection methods to capture CCB – while the Crime Survey of England Wales provides estimates of the prevalence of physical and non-physical domestic abuse, it is not designed to capture the prevalence of CCB. SEA has pointed out in previous submissions that, in addition, a question on financial abuse within the Survey is subjective and does not reflect the broadness of economic abuse; and the Office for National Statistics reports on financial abuse together with psychological abuse as non-physical abuse, meaning the true scale of financial abuse according to government statistics is unknown.
- Domestic abuse-related offences being finalised due to evidential difficulties as victims did not support further action – This could be due to the complexity of understanding the relationship between the victim and perpetrator, particularly where the former is financially or emotionally dependent on the latter, and where children are involved.

- The lower conviction rate for CCB when compared with violence against the person offences (52% vs 75% in 2019) is likely due to the problems of evidencing complex patterns of abuse, especially where there are no signs of physical violence.
- The literature review pointed to missed opportunities to use CCB in a range of behaviour patterns evidenced through victim statements and previous records, which included practices of isolation, deprivation and economic abuse.
- The stakeholder engagement found that, particularly in instances of economic abuse, the victims either did not initially recognise the behaviour as abuse or felt that the police would not take it seriously.

Criminalising post-separation abuse, including often hidden economic abuse, is a significant step forward in acknowledging and naming victims' experience and supporting them to find justice through holding perpetrators to account across the full range of their abusive behaviours. This is, however, just the beginning. As the CCB review itself indicates, there is more to be done to ensure that the legislation will make a positive and direct impact on the lives of victims.

Awareness raising continues to be vital. We know that the majority of CCB is not reported to the police, and many victims do not immediately recognise what is happening to them, as borne out also by the review.

Police officers and other actors in the criminal justice system must be fully trained to understand, recognise and evidence coercive control. Currently, just under half of police forces in England and Wales have not received training in CCB. The government must provide funding to correct this deficit and prevent victims from a postcode lottery when they seek help. SEA therefore supports amendments proposed to the Bill on enhanced training for those in the criminal and family justice system, see below.

The Domestic Abuse Matters Change Programme for Police (DA Matters) was developed by SafeLives with the College of Policing in 2014. With Home Office funding, SEA partnered with SafeLives in 2018 to provide follow-up training specifically on economic abuse, following the inclusion of economic abuse within the definition of domestic abuse in the Bill. The training was delivered to current DA Matters Champions and force leads in ten DA Matters early adopter forces. A recent evaluation of this training shows its usefulness in building the capacity of the police to identify and respond to economic abuse.¹³ **93% of learners said they understood economic abuse, how it fits within the broader context of domestic abuse, and what safeguarding actions you can take as a first responder.** This is illustrated by the following case study shared by one of the participating forces:

DA Matters Economic Abuse training – case study

Police officers attended a report of a domestic assault where officers discovered that the victim had been keeping most of her clothing in her motor vehicle and had taken steps to hide personal belongings and documents within the house. The officers then asked questions to establish if there was economic abuse/CCB within the relationship. The victim disclosed some quite extreme economic abuse as part of the CCB being perpetrated. She had moved from another area to live with the perpetrator and as he was made redundant had spent all of her savings on the new home. He then got a new job but wouldn't support the victim in any way, who was now unemployed and had no access to funds. The 'rules' of the relationship resulted in her having to take daily steps to remove any trace of her presence in the flat so that nothing of hers was on show, and the officers recorded in their statements that they couldn't see any obvious signs that she resided there. This behaviour and the adverse effect were recorded in the victim statement. The officers also recorded evidence of how fearful the victim was in their own statements. A charge was authorised and a successful prosecution outcome achieved at court.

Other key amendments to address economic abuse

SEA endorses several other amendments and proposals which have been put forward in relation to the Domestic Abuse Bill and calls upon Peers to support them. These serve to uphold the recognition of economic abuse in the Bill and present a coherent approach to tackling economic abuse and supporting victims.

Equal protection for migrant women (Amendments No. 67, 70 and 87)

Eligibility under the Domestic Violence Rule should be extended to all women with insecure immigration status, and the time period for the Destitution Domestic Violence Concession should be extended to at least six months. The No Recourse to Public Funds policy which prevents many migrant women with insecure immigration status from accessing support and safety should be abolished for domestic abuse survivors. SEA supports the amendments proposed by Southall Black Sisters, the Step-Up Migrant Women campaign and others in this regard. In order to make this change practically useful to migrant women, it is also necessary to ensure that the personal data of migrant survivors of domestic abuse given in order to receive support and assistance, is not used for immigration control purposes.

These changes are essential for the Bill to comply with the non-discrimination principle in the Istanbul Convention and provide protection equally to *all* victims. To make the Bill fully compliant with the Convention, SEA supports the amendment to ensure all victims are protected regardless of their status in line with Article 4(3) of the Convention.

Social security and Universal Credit (Amendments No. 10, 68, 69 and 72)

When reforms to social security policies are being considered, their impact on domestic abuse survivors needs to be taken into account, to ensure that they do not undermine women's economic independence and stability but support these instead. SEA therefore endorses the amendment to introduce a duty on government to assess the impact of any social security reforms on victims of domestic abuse, and promote their wellbeing through those policies, including their social and economic wellbeing and suitability of living accommodation.

As SEA, the Women's Budget Group and the End Violence Against Women (EVAW) coalition have shown¹⁴, the single payment made to joint claimants under Universal Credit makes it easier for abusers to control household income. More broadly, restricting one partner's access to an independent income compromises their ability to develop economic capability and stability. The potential for a partner to prioritise his own spending above rent, for example, may result in women finding themselves jointly responsible for arrears. Separate payments of Universal Credit should therefore be provided as a default for joint claimants. Requiring claimants to request 'split' payments as a way of addressing this issue is not safe for victims of economic abuse, since actively challenging the control exerted by the abuser is dangerous for women; research shows that, when women experience economic abuse within a context of coercive control, then they are at increased risk of domestic homicide.¹⁵ This was the recommendation of the Work and Pensions Inquiry into the roll out of Universal Credit in 2018 which SEA submitted written evidence to, as well as making what was described by the Chair as 'powerful argument' via oral evidence. The Westminster Government committed to watching and learning from the Scottish experience of implementing separate payments accordingly.

The requirement to pay back advances made under Universal Credit puts women in financial difficulty and debt. **SEA has called for advance payments in the case of financial hardship to be converted into grants, which the parliamentary Joint Committee which scrutinized the draft Domestic Abuse Bill had recommended for ministers to consider.**¹⁶

SEA therefore supports amendments to the Bill proposed by Refuge to place a duty on the Domestic Abuse Commissioner to investigate the payment of Universal Credit separately to members of a couple; and to make benefit advances non-repayable for survivors.

SEA further supports the amendment to the Bill seeking to disapply the benefit cap for 12 months for a person making a new Universal Credit claim in her own name where she has separated from a partner who has subjected her to domestic abuse.

Statutory defence for domestic abuse victims (Amendment No. 51)

Official figures show that nearly 60% of women in prison are victim-survivors of domestic abuse¹⁷ and this is likely to be an underestimate. Many have been driven to offend by their experience of abuse, yet they have no effective defence. Parliament now has an opportunity to modernise the law through the Domestic Abuse Bill, by introducing legal defences that reflect improved public understanding of domestic abuse. The proposed legislation and surrounding policy framework would encourage earlier disclosure of abuse and access to support. Many of these offences are linked to economic abuse, such as shoplifting and non-payment of council tax and TV licences. Prison for these women creates economic instability, increasing the risk of loss of jobs and homelessness which, in turn, increases risk of abuse.¹⁸ SEA supports the proposals by the Prison Reform Trust to amend the Bill to improve legal protection for survivors who offend due to their experience of domestic abuse.

Legal aid (Amendment No. 71)

The legal aid means test under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 operates unfairly on victims of economic abuse. They could be assessed as failing the means tests due to money or assets which they appear to own, but are unable to access or control due to economic abuse. This is evidenced by a survey which SEA conducted with survivors (to be finalised) and which we included in our response to the ongoing Justice Select Committee inquiry on the Future of Legal Aid. Given how commonly economic abuse is experienced alongside other forms of domestic abuse, SEA recommends that domestic abuse survivors should be eligible for legal aid without being subject to means testing.

While the Bill does not address legal aid directly, **SEA supports the amendment seeking to prevent GPs from charging victims of domestic abuse for letters confirming their injuries so that they can seek access to legal aid and other services.**

Employment (Amendment No. 75)

A great deal can be done within the sphere of employment to support victims of domestic abuse and build their economic resilience, ability to flee abuse and rebuild their lives independently. SEA's Cost of Covid research into women's economic safety needs during the pandemic showed that employer responses to domestic abuse have never been more important, with nearly half of respondents to our survey reporting that an abuser interfered with their ability to work or study from home during the crisis.¹⁹

We welcomed the BEIS review into how employers can best support survivors of domestic abuse but do not believe this went far enough. SEA, along with Women's Aid, supports calls to offer paid statutory leave for domestic abuse survivors – a policy that currently exists in Canada, New Zealand and the Philippines.

We particularly commend law firm Linklaters who offer staff experiencing abuse paid leave, paid for accommodation, access to an emergency fund and fully confidential, one-to-one, expert advice from SEA to employees who need to fully and safely separate their finances from an ex-partner.

SEA is also calling for a review of policies which restrict working women from accessing refuge by disqualifying them from housing benefit.

In furtherance of this, **SEA supports the amendment which would require the Secretary of State to issue a code of practice to ensure that workers who are affected by domestic abuse receive appropriate care and support from their employer.**

Extension of local authority support to community-based services (Amendment No.31)

Support to domestic abuse victims provided by local authorities should extend to community-based services and not be limited to accommodation-based services. These services are crucial to help ensure women can stay in their homes and do not have to flee to refuges elsewhere to access support, thereby maintaining economic stability and safety. SEA therefore supports the amendment to empower the Secretary of State to make provision extending the scope of the functions of local authorities and the definition of 'domestic abuse support'.

Serial domestic abuse perpetrators and perpetrator strategy (Amendment No.73)

Given that women who experience economic abuse within a context of coercive control are at increased risk of domestic homicide, it is vitally important to proactively identify, assess and manage serial and high-risk perpetrators across England and Wales. SEA also supports a comprehensive perpetrator strategy that goes beyond the criminal justice system and brings in regulatory law and banking systems as mechanisms to make abusers accountable. A recent call to action by RESPECT confirms the need to train professional public and private organisations to give them, 'the confidence to use the tools at their disposal effectively – whether it's the ability to use a professional code of conduct or the knowledge of how to re-house a perpetrator out of area'.²⁰ SEA therefore supports the amendment on arrangements for serial domestic abuse or stalking perpetrators to be registered on VISOR and subject to supervision, monitoring and management through MAPPA; and the requirement that the government provide a comprehensive perpetrator strategy for domestic abusers and stalkers.

Training (Amendments No. 15 and 44)

There needs to be a much stronger emphasis on training of police and others working in the criminal and family justice systems to ensure that economic abuse is properly understood and responded to. This is supported by the Home Office review into the coercive control offence as discussed above. SEA therefore agrees with the amendments proposed to the Bill around increased training. These include placing a duty on public authorities to report to the Domestic Abuse Commissioner on training as required, and meeting standards as may be published in guidance by the Commissioner. Enhanced training focusing on the family courts is also welcome, particularly as this is a key arena for economic abuse with perpetrators using the family justice system in a variety of ways to undermine victims' economic stability, as SEA details in its response to the Ministry of Justice consultation on the risk of harm in private law children cases. SEA therefore supports the amendment requiring the Secretary of State to publish a strategy for providing specialist training on domestic abuse for magistrates and judges in family proceedings.

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 work on the Domestic Abuse Bill please contact: cyrene.siriwardhana@survivingeconomicabuse.org

ANNEX A

Economic abuse and the Home Office review of the controlling or coercive behaviour offence

On 1st March 2021 the Home Office published its [review](#) of the offence of controlling or coercive behaviour (CCB) in section 76 of the Serious Crime Act 2015. This was part of the government's response to the consultation on the Domestic Abuse Bill, where it committed to reviewing the effectiveness of the offence to ensure it was fit for purpose and that it adequately protects victims from abuse.²¹ SEA engaged in the review, and amongst other issues, raised the need to extend the offence to cover post-separation abuse.

The review did not recommend specific legislative changes. It avoided drawing definitive conclusions regarding impacts and effectiveness of the offence, pointing to the recency of the offence and therefore lack of available data. However, it did note there was some evidence pointing towards potential areas for legislative change, and that the most prominent among these was the proposal to extend the legislation to cover former partners who do not live together. It acknowledged the perception 'that some post-separation abuse is being missed, and that there may be confusion among police and prosecutors regarding how abuse which continues beyond the end of a relationship should be recorded and charged.' The fact that there were different interpretations on when a relationship ended adds confusion over whether CCB or other legislation should be used. The review also recognised the views of some stakeholders that the current stalking and harassment offences are 'not applicable or appropriate in all cases of post-separation abuse.'

While recognising that the government was awaiting the findings of the review, SEA continued our campaigning alongside survivors, activists, academics, MPs and Peers, to keep a spotlight on the issue of post-separation abuse, and the importance of using the Bill as the vehicle for extending the criminal law to encompass it. The amendment was withdrawn at Lords Committee Stage in February amidst overwhelming support by Peers speaking to it, with the government undertaking to continue its consideration and awaiting the review. Alongside the publication of the review on 1st March, the government [announced](#) that it would accept an amendment to the Bill extending the offence as called for:

'Having considered the findings of the review and the concerns raised in it by stakeholders and domestic abuse organisations, the government agrees that the CCB offence should be amended so that it also applies to controlling or coercive behaviour by a former intimate partner that takes place post-separation or by a family member who does not reside with the victim.'

Home Office Minister Victoria Atkins in her Written Ministerial Statement accompanying the review further elaborated:

'CCB is an insidious form of domestic abuse and this Government is committed to ensuring all victims are protected. We recognise that coercive or controlling behaviours may escalate following separation, and that members of a victim's extended family may be involved in control or coercion. We have heard the calls from experts on this matter, and I am very pleased to say that the Government will be removing the co-habitation requirement contained within the offence through an amendment to the Domestic Abuse Bill at Report stage in the House of Lords. This amendment will bring the controlling or coercive behaviour offence into line with the statutory definition of domestic abuse in clause 1 of the Bill and send a clear message to both victims and perpetrators that controlling or coercive behaviours, irrespective of living status, are a form of domestic abuse.'

'Anna' (not her real name), whose case study of post-separation abuse was shared in parliament, [said](#) in response to the announcement:

'I am overjoyed by the government's decision to recognise post-separation abuse in the Domestic Abuse Bill. This type of abuse has affected every part of my daily life; it has seemed to be endless and has left me feeling helpless and powerless to affect change. Knowing this will now be a criminal offence is a huge relief. I am delighted and proud that my story has helped raise awareness and played a part in pushing this much needed amendment through.'

Some of the key issues highlighted by the review which are of relevance to economic abuse include:

- The inadequacy of current data collection methods to capture controlling or coercive behaviour – While the Crime Survey of England Wales provides estimates of the prevalence of physical and non-physical domestic abuse, it is not designed to capture the prevalence of CCB.
- Domestic abuse-related offences being finalised due to evidential difficulties as victims did not support further action – This could be due to the complexity of the relationship between the victim and perpetrator, particularly where the former is financially or emotionally dependent on the latter, and where children are involved.
- The lower conviction rate for CCB when compared with violence against the person offences (52% vs 75% in 2019), likely due to the problems of evidencing complex patterns of abuse, especially where there are no signs of physical violence.
- The literature review pointed to missed opportunities to use CCB in a range of behaviour patterns evidenced through victim statements and previous records, which included practices of isolation, deprivation and economic abuse.
- The stakeholder engagement found that particularly in instances of economic abuse the victims either did not initially recognise the behaviour as abuse or felt that the police would not take it seriously.

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- ¹ The Cooperative Bank and Women's Aid (2015), *My Money, My Life*.
- ² <https://survivingeconomicabuse.org/report-finds-that-6-in-10-domestic-abuse-survivors-are-struggling-with-coerced-debt/>
- ³ The Cooperative Bank and Women's Aid (2015)
- ⁴ 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
- ⁵ <https://survivingeconomicabuse.org/report-finds-that-6-in-10-domestic-abuse-survivors-are-struggling-with-coerced-debt/>
- ⁶ Sharp-Jeffs, N. (2015)
- ⁷ Home Office (2016), *Domestic Homicide Reviews: Key Findings from Analysis of Domestic Homicide Reviews*
- ⁸ The Cooperative Bank and Women's Aid (2015)
- ⁹ Sharp-Jeffs, N. with Learmonth, S. (2017). *Into Plain Sight: How economic abuse is reflected in successful prosecutions of controlling or coercive behaviour*. This figure is consistent with our ongoing analysis of such prosecutions where currently 117 out of 184 involve economic abuse.
- ¹⁰ Outlaw, M. (2009)
- ¹¹ ANZ/RMIT University (2016) *MoneyMinded Impact Report: The Role of Financial Education in a Family Violence Context*
- ¹² Sharp-Jeffs, N. (2015)
- ¹³ SafeLives and Surviving Economic Abuse, *Domestic Abuse Matters: evaluation of economic abuse training*
- ¹⁴ EAW, Women's Budget Group and Surviving Economic Abuse (2018), *Universal Credit & financial abuse: exploring the links*
- ¹⁵ Websdale, N. (1999) *Understanding Domestic Homicide*, California: Northeastern University Press
- ¹⁶ Parliamentary Joint Committee report on the draft Domestic Abuse Bill: <https://publications.parliament.uk/pa/jt201719/jtselect/jtddab/2075/207502.htm>
- ¹⁷ Ministry of Justice (2014). Thinking differently about female offenders. Transforming Rehabilitation, Guidance Document, London: MoJ/NOMS
- ¹⁸ Prison Reform Trust (2017). *'There's a reason we are in trouble': Domestic abuse as a driver to women's offending*
- ¹⁹ Surviving Economic Abuse, *Cost of Covid-19: economic abuse throughout the pandemic, Briefing one - employment and education*, <https://survivingeconomicabuse.org/wp-content/uploads/2020/12/Cost-of-Covid-Employment-and-education-briefing-FINAL.pdf>
- ²⁰ Respect (2020). *A Domestic Abuse Perpetrator Strategy for England and Wales*, https://hubble-live-assets.s3.amazonaws.com/respect/redactor2_assets/files/150/Call-to-Action-Final.pdf
- ²¹ HM Government (2019), *Transforming the response to domestic abuse: consultation response and draft Bill*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772247/Transforming_the_response_to_domestic_abuse_-_consultation_response_and_draft_bill_-_print.pdf