

Written evidence submitted by Surviving Economic Abuse (DAB70)

Domestic Abuse Bill – extending the offence of coercive control to post-separation abuse

Surviving Economic Abuse (SEA)

1. Surviving Economic Abuse (SEA) is the only UK charity dedicated to raising awareness of economic abuse and transforming responses to it. All our work is informed by Experts by Experience (EEG) – a group of women who speak about what they have gone through so that they can be a force for change. Our specific area of expertise is economic abuse as a form of controlling or coercive behaviour within the context of domestic abuse. Our four strategic priorities focus on awareness-raising, professional responses, systems change and policy influencing.
2. SEA submitted a written response to the government’s consultation, *Transforming the response to domestic abuse*, following which the draft Domestic Abuse Bill was published. SEA also submitted written evidence to the parliamentary Joint Committee scrutinising the draft Bill and facilitated oral evidence from an EEG member.

Summary

3. Surviving Economic Abuse (SEA) welcomes the Domestic Abuse Bill and its potential to transform the response to economic abuse and the lives of victims. The charity particularly welcomes the inclusion of economic abuse in the statutory definition of domestic abuse in the Bill, yet believes that the definition of economic abuse itself can be improved. This includes being clear that economically abusive behaviour is underpinned by restriction and exploitation and in combining subsections (a) and (b) in clause 1(4) within the definition in recognition that economic abuse also includes limiting a victim’s ability to use and maintain goods and services.
4. SEA, with the support of SafeLives and a broad coalition of VAWG sector groups, is proposing an amendment to the Domestic Abuse Bill to include post-separation abuse in the offence of controlling or coercive behaviour. While the legislation on stalking and harassment covers some aspects of post-separation abuse, it does not cover the full range of abuse that can continue after a victim has left an abuser. This includes economic abuse, which does not require physical proximity and therefore can continue, escalate or even begin after separation, creating a significant barrier for victims seeking to rebuild their lives.
5. Coercive control often continues post-separation and victims are at heightened risk of homicide in this period.¹ It is vital that legislation on controlling or coercive behaviour is therefore amended so that all victims of post-separation abuse are able to seek justice, and this must be addressed through the amendment contained in Annex A of this briefing. It would also bring legislation on controlling or coercive behaviour in line with the definition of domestic abuse in the Domestic Abuse Bill.

¹ Home Office (2016), *Domestic Homicide Reviews: Key Findings from Analysis of Domestic Homicide Reviews*

6. SEA also supports proposals for the Bill on the following areas led by others: separate payments of Universal Credit in joint claims as a default and making benefit advances non-repayable for survivors; reforms to the Destitution Domestic Violence Concession and No Recourse to Public Funds policy; provision of emergency financial support for domestic abuse survivors; reforms to make housing more accessible for survivors; a duty on public services to ask about domestic abuse; and introducing a statutory defence for women whose offending is driven by domestic abuse. SEA also reiterates a call it has made consistently around the Bill that domestic abuse survivors be exempt from the legal aid means test.

Background

7. One in five women in the UK report having experienced economic abuse from a current or former intimate partner.² 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 economic resources more broadly, including food, clothing, transportation and housing.³ Given it does not require physical proximity, economic abuse can continue, escalate or even start after separation.⁴
8. Further, it rarely happens in isolation, with 86% of those reporting economic abuse also having experienced other forms of abuse.⁵ 95% of domestic abuse victims experience economic abuse.⁶
9. Economic barriers to leaving can lead to women staying with an abusive partner for longer than they would like and so experiencing more harm as a consequence.⁷ In this way, economic abuse is linked to physical safety. Women who experience it are five times more likely to experience physical abuse⁸ and are at increased risk of homicide⁹ and suicide.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. One in four women reports

² Sharp-Jeffs, N. (2015a) *Money Matters: Research into the extent and nature of financial abuse within intimate relationships in the UK*. London: The Co-operative Banks/Refuge

³ Sharp-Jeffs, N. (2015b) *A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships* London: CWASU

⁴ Stark, E. (2007) *Coercive Control: How Men Entrap Women in Personal Life*. Oxford: Oxford University Press

⁵ <https://survivingeconomicabuse.org/report-finds-that-6-in-10-domestic-abuse-survivors-are-struggling-with-coerced-debt/>

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

⁷ Earlywhite, M. and Stohl, I. (2005) *In Our Shoes: The Next Steps*, Washington: State Coalition Against Domestic Violence

⁸ 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

⁹ Websdale, N. (1999) *Understanding Domestic Homicide*, California: Northeastern University Press.

¹⁰ Aitken, R and Munro, V.E. (2018), *Domestic Abuse and Suicide: exploring the links with Refuge's client base and work force*

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

experiencing economic abuse after leaving the abuser,¹² and 60% of domestic abuse survivors are in debt as a result of economic abuse.¹³

10. The Domestic Abuse Bill provides a vital 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. However, the charity believes that the definition of economic abuse itself can be improved to ensure that this fully recognises the nature and extent of this form of abuse.
11. Furthermore, intentions to better address economic abuse through the Bill are at risk of being undermined by other government legislation and policies that inadvertently facilitate it. Pertinently, to fully recognise economic abuse as a form of coercive control as well as maintain consistency with the new definition of domestic abuse in the Bill, the current legislation on coercive control needs to be reformed as proposed in this submission.
12. As such, SEA, with the support of SafeLives and a broad coalition of VAWG sector groups, is calling for an amendment to the Bill to include post-separation abuse in the offence of controlling or coercive behaviour. This is needed as coercive control often continues post separation and victims are at a heightened risk of homicide in this period.¹⁴ 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.
13. SEA is calling for the definition of economic abuse within the Bill to be revised as outlined within this submission, and for the post-separation abuse amendment to be adopted along with other amendments referenced below, so that the Bill can provide an effective framework for responding to economic abuse.

Improving the definition of economic abuse in the Bill

14. Whilst the definition within the Domestic Abuse Bill draws on an established academic definition¹⁵, it could be made stronger through being clear that:
 - The term ‘any behaviour’ in the definition recognises economic restriction and economic exploitation as constructs of control.
 - Sub-sections (a) and (b) of clause 1(4): The definition should recognise that perpetrators will also prevent a partner from using/maintaining goods or services.
 - Attention must be given to the suggestion that single incidents of economic abuse would not fall under this definition.¹⁶

¹² Sharp-Jeffs, N. (2015a)

¹³ <https://survivingeconomicabuse.org/report-finds-that-6-in-10-domestic-abuse-survivors-are-struggling-with-coerced-debt/>

¹⁴ Home Office (2016)

¹⁵ Adams, A. E., Sullivan, C. M., Bybee, D. and Greeson, M. R., (2008) ‘Development of the Scale of Economic Abuse’. *Violence Against Women*, 14(5): 563-587.

¹⁶ These recommendations are drawn from: Sharp-Jeffs, N. (2020) *Understanding the economics of abuse: an assessment of the economic abuse definition within the Domestic Abuse Bill*, submitted for publication.

“Any behaviour”

15. The link between control and coercion, and economic abuse, should be made clearer by adding wording within the Bill or a note within the commentary/Explanatory Notes which recognises that ‘any behaviour’ includes control through restriction and/or exploitation.
16. Control can be implicitly read into the definition, through the specification that this behaviour must have ‘a substantial or adverse effect’ on the victim. The framing of economic abuse within the context of coercive control is important because research into successful prosecutions of the controlling or coercive behaviour offence has shown that economic abuse features in 60% of cases¹⁷. As such, this link must be made explicit.

Sub-sections (a) and (b) of clause 1(4)

17. It is unclear why subsection (b) also refers to the ability to ‘obtain’ goods and services, since to obtain an economic resource could be interpreted in the same way as ‘acquiring’ it. Moreover, abusers may also prevent their partner from using or maintaining goods or services i.e. stopping a partner from using the internet, disconnecting utilities.
18. Subsections (a) and (b) should be merged (see proposed revised definition below) so that there is recognition that perpetrators will also prevent a partner from using or maintaining goods or services.
19. A clear understanding of the constructs of economic abuse is vital if the Westminster Government is to report on prevalence. The Istanbul Convention requires State Parties to provide disaggregated data on all forms of violence covered by the scope of the Convention. Although the Crime Survey for England and Wales measures financial abuse, the Office for National Statistics presents the findings under the heading ‘non-physical’ forms of domestic abuse, alongside the answer to a question on emotional abuse. As well as being reported on separately, the question on financial abuse needs to be revised. Not only is it subjective, asking participants whether an intimate partner has prevented them from having a ‘fair share’ of the household money, but it does not capture the multi-faceted nature of economic abuse.¹⁸

Single incidents

20. Attention must be given to the inconsistency between clause 1(3) of the Bill which recognises that abusive behaviour can consist of a single incident or a course of conduct, and the Explanatory Notes to the Bill which appears to suggest that single incidents of economic abuse would not fall under this definition.

‘The purpose of including the qualification “substantial and adverse effect” is to ensure that isolated incidents, such as damaging someone’s car, or not disclosing financial information, are not inadvertently captured.’¹⁹

¹⁷ Sharp, N. and Learmonth, S. (2017) *Into Plain Sight: How economic abuse is reflected in successful prosecutions of controlling or coercive behaviour*

¹⁸ Sharp-Jeffs, N. (2015a)

¹⁹ HM Government (2020). Explanatory Notes to the Domestic Abuse Bill

21. There is also a further inconsistency here since the criminal response to domestic abuse still includes the prosecution of single incidents, some of which (i.e. damage to property) may be examples of economic abuse. Moreover, as the analysis of successful prosecutions of the controlling or coercive behaviour offence shows, single domestic abuse related incidents are prosecuted alongside it in over three-quarters (77%) of cases.²⁰
22. This is also important since the controlling or coercive behaviour offence does not currently apply post-separation when economic abuse may continue or escalate.

Part 1 Definition of “Domestic Abuse”

Current definition of economic abuse

(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to –

- (a) Acquire, use or maintain money or other property, or
- (b) Obtain goods or services.

Proposed definition of economic abuse

(4) “Economic abuse” means any behaviour (economic restriction and/or exploitation) that has a substantial adverse effect on B’s ability to acquire, use or maintain money or other property, goods or services.

Economic abuse as a form of coercive control - including post-separation

23. The Serious Crime Act 2015 makes controlling or coercive behaviour in an intimate or family relationship a crime. SEA’s analysis of successful prosecutions of the controlling or coercive behaviour offence shows that six in ten involve economic abuse.²¹ Research shows that coercive control continues after the victim’s relationship with the perpetrator has ended and they are no longer living together, and particularly in this form. Economic abuse can continue or escalate after a couple separates, or even start; when the opportunity to continue other forms of controlling behaviour has been removed and when controlling a former partner’s access to economic resources may be the only way left to exert control over them. As SEA highlighted in its response to the 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)’.²²

²⁰ Sharp, N. and Learmonth, S. (2017)

²¹ Sharp, N. and Learmonth, S. (2017). This figure is consistent with our ongoing analysis of such prosecutions where currently 117 out of 184 involve economic abuse.

²² Surviving Economic Abuse, response to Home Office consultation *Strengthening the Law on Domestic Abuse*, 2014

24. Indeed, research has shown that economic abuse is more prevalent post-separation.²³ Economic abuse, as a form of coercive control involves economic restriction and/or economic exploitation²⁴ which can 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; and
- continuously taking the victim to court resulting in financial costs

25. Yet at present, victims of post-separation economic abuse are unable to seek justice and, as a result, the abuser can continue to control their ex-partner for years and even decades. Victims can be left with significant debts and such poor credit ratings that they are unable to move on or rebuild their lives. Below is a case study of one such victim. For a more detailed account of this case study and others, please contact SEA.

'Leslie's story'

Leslie* was with her abusive partner for over 10 years. The main earner, Leslie paid for all holidays, family social events, savings account deposits, and all expenses associated with her children. During the relationship, she experienced physical abuse alongside economic abuse linked to joint accounts, credit cards, and the perpetrator failed to contribute to household expenses and mortgage payments. About a year before leaving the perpetrator she became seriously ill and was left with a disability.

After she left the perpetrator he: transferred all the money from their joint to his personal account; refused to sign forms with banks to close joint bank accounts and stop direct debits for insurance, pension etc.; and refused to pay bills owing from the marital home such as utility bills and those relating to credit card debts and loans having taken out a credit card and joint loan without her knowledge

Through his continued obstruction and noncompliance of the family court proceedings, the perpetrator deliberately extended the length of time Leslie had no access to the funds of the equity of the marital home, resulting in homelessness and other financial hardship.

*Not her real name

Limitations In current legislation on controlling or coercive behaviour

²³ Sharp-Jeffs, N. (2015a)

²⁴ Adams, A., Greeson, M., Littwin, A. and Javorka, M. (2019) 'The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing of an Updated Measure of Economic Abuse in Intimate Relationships'. *Psychology of Violence* 10(3): 268-278

26. In order to fall within the controlling or coercive behaviour offence, the behaviour must have taken place at a time when the perpetrator and victim were 'personally connected' (section 76(1)(b)).
27. Two people will be considered as 'personally connected' where either a) they are in an intimate relationship with each other or b) they live 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 with each other and they do not live together, behaviour by one of them towards the other cannot fall within the offence of controlling or coercive behaviour.
28. This position ignores the fact that coercive control extends beyond separation and that particular forms (such as economic abuse) do not require physical proximity nor the continuation of an intimate relationship to perpetrate. Furthermore, it is inconsistent with the definition of domestic abuse in the Domestic Abuse Bill, in which the definition of 'personally connected' does not require individuals to be in an ongoing relationship or living together (clause 2). It is vital that this is addressed so that victims of abuse post-separation are protected by the law and can seek justice.
29. Following the consultation on the Bill, the government has acknowledged the issue of post-separation abuse and has suggested ways it can be tackled without legislative change, but SEA contends that these measures would not be comprehensive enough to afford protection to all victims of domestic abuse – and particularly in relation economic abuse.
30. The government acknowledged in the consultation response it published alongside the Bill that respondents 'wanted the offence to recognise that abuse can happen even after the relationship has ended or partners have separated'.²⁵ In the same document, it committed to updating the statutory guidance and CPS legal guidance for the controlling or coercive behaviour offence so that it will include:
- *economic abuse, and how this form of abuse can manifest itself as part of coercive control [and]*
 - *a guide to how abuse can be perpetrated through both the criminal and family court systems, including through child contact arrangements*²⁶
31. It went on to state that abuse perpetrated by an ex-partner who no longer lives with the victim is captured under existing legislation on stalking and harassment. Recognising, however, that the relationship between the coercive control offence and stalking is not well understood, the government undertook to issue statutory guidance on Stalking Protection Orders to ensure that domestic abuse victims are protected after a relationship has ended. Yet on the basis of research

²⁵ It stated 'Responses called for economic abuse to be recognised as part of controlling or coercive behaviour, as well as abuse perpetrated through the courts system and through child contact arrangements, all of which can occur post-separation. This would also help to highlight and recognise the impact of controlling or coercive behaviour on children.' *Transforming the Response to Domestic Abuse: Consultation Response and Draft Bill*, January 2019

²⁶ *Transforming the Response to Domestic Abuse: Consultation Response and Draft Bill*, January 2019

and practice evidence, SEA contends that this legislation is not a good fit for economic abuse since it does not adequately address this form of abuse, and is calling for the Domestic Abuse Bill to be amended as per the text in Annex A.

32. This is because the stalking offence constitutes: a course of conduct which amounts to stalking and which causes the victim to fear on at least two occasions that violence will be used against her, or causes serious alarm or distress which has a substantial adverse effect on her usual day-to-day activities. This does not cover the kinds of economic harm commonly experienced by women following separation, and evidenced in SEA's case studies, and neither do the examples of the offence given in the legal guidance.²⁷
33. While stalking and harassment crimes focus on the intention to cause fear, alarm and distress, economic abuse both during and after a relationship links more closely to control, such as through denying access to money and interfering with or sabotaging a woman's economic stability and thereby her capacity to rebuild her life.²⁸ Therefore economic abuse post-separation does not fit within the stalking and harassment legislation. Instead it should sit within the offence of controlling or coercive behaviour and should be addressed by amending the Domestic Abuse Bill so that all victims of post-separation abuse can seek justice and rebuild their lives.
34. 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 through sabotage of an economic asset and creating economic instability resulting in homelessness.²⁹

'Layla's story'

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 her credit card.

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.

*Not her real name

²⁷ <https://www.cps.gov.uk/legal-guidance/stalking-and-harassment>

²⁸ Surviving Economic Abuse. (2018) *Economic abuse is your past, present and future* - a report on the practical barriers women face in rebuilding their lives after domestic abuse

²⁹ Surviving Economic Abuse. (2018)

35. The negative impacts of economic abuse continuing, escalating or even starting after separation are long-lasting and, in many cases, last a lifetime. It is not uncommon for survivors to be left paying back negative equity, creating insurmountable barriers to staying on the property ladder and accessing safe and secure housing moving forward due to ruined credit ratings.

The impact is practical in not being able to get a mortgage – he has left such a mark on my credit rating, I can't get any credit... you can't move on – a brick wall.³⁰

The proposed amendment removes the requirement to live together in the case of family members as well as intimate partners, in line with the new definition of domestic abuse.

Section 76 of the Serious Crime Act 2015 should be amended to include post-separation abuse. The proposed amendment is at Annex A.

Other proposals supported by SEA to tackle economic abuse

36. SEA supports several other amendments and proposals which have been put forward in relation to the Domestic Abuse Bill. These are important to ensure that legislation and policy elsewhere support rather than undermine the recognition of economic abuse in the Bill and present a coherent approach to economic abuse and supporting victims.
37. **Universal Credit** – 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 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 victim-survivors 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.³¹
38. 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.³² SEA supports amendments to the Bill proposed by Refuge to make benefit advances non-repayable for survivors.
39. **Destitution Domestic Violence Concession and No Recourse to Public Funds** - 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

³⁰ Surviving Economic Abuse. (2018)

³¹ Websdale, N. (1999)

³² Parliamentary Joint Committee report on the draft Domestic Abuse Bill:
<https://publications.parliament.uk/pa/jt201719/jtselect/jtddab/2075/207502.htm>

with insecure immigration status from accessing support and safety should be abolished for domestic abuse survivors. SEA supports the proposals by Southall Black Sisters, the Step-Up Migrant Women campaign and others in this regard.

40. **Provision of emergency financial support for victims of domestic abuse** – Lack of economic resources should not be a barrier to a victim’s ability to leave an abuser. SEA supports The Children’s Society’s proposed amendment to ensure that local authorities in England deliver high quality ‘Local Welfare Provision’ schemes to provide financial support for victims, and that these schemes receive sustained funding to do so.
41. **Changes to legal and procedural frameworks to make housing more accessible to domestic abuse survivors** – The current barriers to secure housing for domestic abuse survivors should be dismantled by addressing problematic aspects such as the requirement of the perpetrator’s consent to make changes in joint mortgages and tenancies, as recommended by the National Housing and Domestic Abuse Policy and Practice Group of which SEA is a member. SEA has called for a duty of care on banks and other financial institutions to act in the best interests of their customers to complement these changes.
42. **Duty to make enquiries about domestic abuse** – The range of public services that survivors are likely to come into contact with, means that public authorities are well placed to recognise domestic abuse and respond to it appropriately. However research has found that they are failing to do so.³³ To maximise the opportunity to provide victim-survivors with an ‘invitation to tell’ SEA supports amendments to the Bill proposed by Agenda to bring in a statutory duty on public services to ensure relevant staff make trained enquiries about domestic abuse. Research has shown that when routine enquiry sits alongside onsite domestic abuse services, they are more likely to reach groups that are not in touch with local support services. These include victims from high income households.³⁴
43. **Statutory defence for women whose offending is driven by domestic abuse** – Official figures show that nearly 60% of women in prison are victim-survivors of domestic abuse³⁵ 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.³⁶ SEA supports the proposals by the Prison Reform Trust to amend the Bill to improve legal protection for victim-survivors who offend due to their experience of domestic abuse.

³³ Agenda (2019). *Ask and Take Action: why public services must ask about domestic abuse*; see also

³⁴ SafeLives (2016). *A Cry for Health: why we must invest in domestic abuse services in hospitals*

³⁵ Ministry of Justice (2014). *Thinking differently about female offenders*. Transforming Rehabilitation, Guidance Document, London: MoJ/NOMS

³⁶ Prison Reform Trust (2017). *‘There’s a reason we are in trouble’: Domestic abuse as a driver to women’s offending*

44. Legal aid means test – 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. Given how commonly economic abuse co-exists with other forms of domestic abuse, SEA recommends that domestic abuse survivors should be eligible for legal aid without being subject to means testing.

June 2020

ANNEX A

Suggested Amendment to Section 76, Serious Crime Act 2015

XX Controlling or coercive behaviour offence

- (1) In Part 5 (protection of children and others) of the Serious Crime Act 2015, Section 76 (controlling or coercive behaviour in an intimate or family relationship) is amended as follows.
- (2) In subsection (2)(a)-
 - (a) after the words “A is” insert the words “or has been”;
 - (b) substitute subsection (2)(b) with “A and B are members of the same family.”
- (3) In subsection (6), for “(2)(b)(i)” substitute “(2)(b)”.

Existing Section 76

- (2) A and B are “personally connected” if—
 - (a) A is in an intimate personal relationship with B, or
 - (b) A and B live together and—
 - (i) they are members of the same family, or
 - (ii) they have previously been in an intimate personal relationship with each other.
- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
 - (a) they are, or have been, married to each other; ...
 - (c) they are relatives; ...

Section 76 as amended

- (2) A and B are “personally connected” if—
 - (a) A is or has been in an intimate personal relationship with B, or
 - (b) A and B are members of the same family.
- (6) For the purposes of subsection (2)(b) A and B are members of the same family if— ...

