MSCB Fact sheet

Coercive and controlling behaviour

The Serious Crime Act explicitly criminalises patterns of coercive or controlling behaviour where they are perpetrated against an intimate partner or family member. Like stalking this behaviour, when viewed in isolation, may appear unexceptional, but the cumulative impact on the victim’s everyday life will be significant, causing the victim to feel fear, alarm or distress.

The new offence in the Serious Crime Act 2015 closes the gap on the current legal framework in order to capture repeated or continuous coercive or controlling behaviour, specifically where that behaviour takes place in an ongoing intimate partner or inter-familial relationship.

Definition

Controlling behaviour is: A range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. Coercive control involves repeated, ongoing, intentional tactics which are used to limit the liberty of the victim. Those tactics may or may not necessarily be physical. They can be sexual, economic, psychological, legal, institutional, or all of these. By deploying these tactics the abuser can create a world where the victim is constantly monitored and criticised and every move and action checked. Victims often describe coercive control as not being ‘allowed’, or having to ask permission, to do everyday things; and being in constant fear of not meeting the abusers expectations or complying with their demands.

Coercive and controlling behaviour recognises a pattern of behaviour that seeks to take away the victims liberty or freedom to make their own choices.

The Law

Controlling or coercive behaviour is defined under section 76 of the Serious Crime Act 2015 as causing someone to fear that violence will be used against them on at least two occasions, or generating serious alarm or distress that has a substantial effect on their usual day-to-day activities.

The repeated or continuous nature of the behaviour and the ability of a reasonable person to appreciate that the behaviour will have a serious effect on its victim, are key elements of the new offence.

The perpetrator and victim have to be personally connected when the incidents took place for this legislation to apply. If not, or the incidents took place after a relationship/cohabitation the stalking and harassment legislation may apply.

Examples of coercive control in abusive relationships

- Unreasonable demands/rules. Often followed up by threats (to the victim or loved ones), pressure or physical restraint when the victim does not agree with the perpetrator. It may include demands of sexual favours in return for small basic items or liberties.

- Degradation. Malicious and derogatory name calling designed to shame and humiliate a victim. Could also include buying clothes too small so the victim has to diet. Constant belittling of the victim in front of friends and family so that they feel worthless.

- Restricting daily activities. This may include preventing usual daily routines, such as going to the gym, school/work or visiting family. Victims increasingly feel unable to carry out their normal routine.

- Threats or intimidation: If a victim’s behaviour is not in line with the demands of the perpetrator there may be threats or intimidation until the behaviour is changed. This may include threats of self harm so the victim feels responsible for the perpetrators well being.

- Financial control: Constant monitoring of spending or even tracking mileage in vehicles. Perpetrators may control the victim’s money and give them an allowance. Victims may not be allowed to work.

- Monitoring of time: Controlling how the victim spends their time. E.g. ensuring that school runs or grocery shopping takes the right amount of time. May include constant calling to monitor where a victim is. Trackers may also be loaded onto mobile phones.

- Removing communications: In an attempt to isolate the victim phones and access to internet...
may be taken away or restricted and closely monitored and controlled.

- **Restricting mobility:** Taking away use of a car to visit friends, locking the house so a victim can not leave or withholding medicine such as asthma pumps so they can not go out. This is to isolate the victim from their support network.
- **Deprivation of basic needs:** Withholding or limiting food, water, clothing, shelter, warmth medicine or sanitary products.
- **Destruction of property:** Destroying treasured items or clothes the perpetrator does not feel are appropriate.

**Impact on the victim**

Coercive control may have a huge effect on a victim’s feelings, emotions and health. They may be feel;

- Anxious and nervous and not free to make their own decisions.
- Like they are “walking on egg shells” and scared that they do not have access to money.
- Worried they lack close relationships other than with their partner.
- Sick, experience headaches or have other ongoing physical health symptoms.
- Isolated from friends and family that they have no one they can talk to.

**Response to coercive and controlling behaviour**

Victims may not present as fearful of the perpetrator or recognise that the perpetrators actions are disempowering them. They may be dismissive saying “every couple argues”

Professionals must be sensitive to the possibility that a perpetrator will be adept at manipulating professionals, agencies and systems and may use a range of tactics to win the trust and sympathy of professionals.

Ensure appropriate assessment of relationships. Extreme jealousy and possessiveness can be made to look like care or concern. Consider what is acceptable and reasonable.

Consider the impact of a victim being forced into mediation sessions with a perpetrator who frightens them.

Those victims needing access to legal aid to support them in family court need evidence of Domestic abuse. This comes from the courts, MARAC, social services, health professionals, refuge manager or domestic abuse support service.

Evidence of controlling and coercive behaviour can include emails/letters, screen shots of messages by text and social media GPS tracking devices installed on mobile phones, bank and phone records, records of interaction with services such as support services, 999 tapes, CCTV, medical records, witness statements from family and friends and any other evidence of isolation.

**The impact on the child**

The child may;

- Be used to monitor the movements of the victim and report back to the perpetrator.
- Exhibit similar behaviours to the victim.
- May be at risk of entering an unhealthy relationship themselves.

Professionals need to be mindful of the impact the abuse has on a parent with caring responsibilities. Consideration of what the child is experiencing should be included in all assessments. Shared care arrangements may not meet the needs of a child and put the child of risk of witnessing ongoing abuse.

**The impact on a professional**

It is important to recognise the impact on a professional that working in these families has.

- Coercion and control is the most common form of domestic abuse and a professional may be experiencing it without knowing until they are faced with it in their role e.g. through awareness raising and training.
- Manager support should be available.

Where a professional has been made to feel fearful or intimidated they must consider how the child feels in that home.

If a professional is at risk of harm the police must be called on 999.

**Impact on practice**

- Professionals ask “why don’t they just leave?” without understanding victims may not have a choice.
- Assessments do not address risk appropriately if focus is on the physical/sexual side of abuse.
- Professionals may be guilty of coercive or controlling behaviour in their own relationships and not recognise it in others, or fail to consider elements as coercive or controlling

**Multi agency collaboration**

- Support is needed for victim of domestic abuse in Civil Court where legal aid is not available.
- Partners working together need to build a picture of what day to day life is like in the family and avoid reacting to single incidents.
- Any agency faced with incidents of threats, hostility or violence should routinely consider the potential implications for any other agency involved with the family as well as for its own staff and should alert them to the nature of the risk.
- Similarly where there is a lack of attendance or engagement agencies must share information and act together.

This guidance should be read in conjunction with the Kent and Medway Safeguarding Procedures.