

RIGHTS of WOMEN

Coercive control and the law

helping women through the law

It is a criminal offence in England and Wales for someone to subject you to coercive control. If you experience this kind of abuse you can report it to the police. You may also be able to apply to the Family Court for protection. This legal guide is designed to give you information about the ways in which the law can protect you.

What is coercive control?

Coercive control is when a person with whom you are **personally connected**, repeatedly behaves in a way which makes you feel controlled, dependent, isolated or scared.

The following types of behaviour are common examples of coercive control:

- isolating you from your friends and family
- controlling how much money you have and how you spend it
- monitoring your activities and your movements
- repeatedly putting you down, calling you names or telling you that you are worthless
- threatening to harm or kill you or your child
- threatening to publish information about you or to report you to the police or the authorities
- damaging your property or household goods
- forcing you to take part in criminal activity or child abuse

Some of the behaviours in this list can be other offences as well as coercive control, so your abuser can be arrested for more than one offence for the same behaviour. For example, if your abuser broke your phone as

part of his coercive control then he could be arrested and charged for coercive control and also the offence of criminal damage.

Your abuser will be guilty of the offence of coercive control if

- he is personally connected to you, and
- his behaviour has had a serious effect on you, and
- your abuser knew or ought to have known that his behaviour would have a serious effect on you.

What does serious effect mean?

Your abuser's behaviour is considered to have a **serious effect** on you if:

- on at least two occasions you have feared that violence will be used against you, or
- you have felt serious alarm or distress and it has had a substantial effect on your usual day to day activities. The behaviour has had a substantial effect on you if it has caused you to change the way you live. For example, you may have changed the way you socialise, your physical or mental health may have deteriorated, you may have changed the way you do household chores or how you care for your children. If you have changed the way you live in order to keep you or your children safe from harm, it is possible that the behaviour you are experiencing is coercive control.

How will the court decide whether my abuser knew or ought to have known that his behaviour would have a serious effect on me?

The court will decide based on whether a reasonable person who had all the information your abuser had would have known that the behaviour would have a serious effect on you.

Are we personally connected?

Only someone who is **personally connected** to you can commit an offence of coercive control. You are personally connected to your abuser if you are in an intimate personal relationship with them, for example if they are your partner, spouse or someone who you have a romantic or sexual relationship with. This includes same-sex relationships. If you are no longer in an intimate relationship with your abuser, but you still live together, then you are still personally connected to them and the offence of coercive control may apply.

You are also personally connected to your abuser if he or she is a family member who you live with. A family member could be anyone you are related to or have a child with, or any person who you have ever entered into or agreed to enter into a marriage or civil partnership with. A family member can also be a person who your spouse is related to and that you live with, for example, your husband's parents who you live with.

If you are not personally connected to your abuser because he is for example a colleague, a neighbour, an acquaintance or someone you don't know you may still be able to seek protection from the abuse under the Protection from Harassment Act 1997. See our legal guide **Harassment and the law**.

In an emergency

In an emergency you can contact the police for assistance by dialling 999 or text phoning 0800 112 999. The police may be able to attend the scene of the incident to protect you from further abuse and/or to arrest your abuser (see our legal guide **Reporting an offence to the police: a guide to criminal investigations**). For other support and protection see Useful contacts at the end of this guide.

If it is not an emergency then you can contact the police by going to your local police station, or calling your local police station by dialling 101.

Reporting coercive control to the police

Coercive control is a criminal offence. If you experience this form of abuse you can report it to the police. The police may give your abuser a warning or they may arrest him for a criminal offence. If the police have enough evidence they will refer the matter to the Crown Prosecution Service ('CPS'). The CPS can start criminal proceedings against your abuser. If he is found guilty of an offence he can be sentenced up to 5 years in prison or made to pay a fine or both.

The court may also make a restraining order to protect you. The court can make restraining orders even if your abuser admits that he is guilty, if he is convicted (found guilty) even if he is acquitted or not convicted of the crime. A restraining order is a court order which prohibits your abuser from doing certain things such as contacting you or attending your place of work or home address. Breaching (breaking) a restraining order is a criminal offence. For more information on the criminal justice process see our legal guides **Reporting an offence to the police: A guide to criminal investigations** and **From charge to trial: A guide to criminal proceedings**.

Coercive control can involve a range of criminal offences including assault, rape, threats to kill, burglary and criminal damage. Coercive control is a criminal offence even if you have not experienced any physical violence or damage to your property. You can report everything that has happened to the police and the police will identify which criminal offences may have been committed. If you have experienced a violent crime you may be entitled to criminal injuries compensation. For more details see **A guide to criminal injuries compensation**. You can also contact our legal advice line, please see **Useful contacts** for details.

Evidence of coercive control

It is the job of the police to investigate any reports of coercive control and gather evidence. You may be able to help the police by providing copies of emails, text messages or voicemail recordings, photographs of injuries or damage to property. You may be able to evidence financial abuse by showing your bank statements or you may have kept a diary of your day to day experiences. You may be able to show that you have lost contact with friends and family members, left your employment or withdrawn from clubs and other activities. Your medical records may show that your abuser accompanies you to appointments. It is common for abusers to make or threaten to make false allegations about their victims to the police, social services and immigration authorities or to friends and family. These threats are part of the coercive control and you can also report these threats to the police.

You can report the coercive control to the police even if you don't have any other evidence. Your statement is evidence in the case.

If you are helping the police to gather evidence it's important that you discuss whether this is safe. Remember that it is the

police's job to investigate and gather evidence and they should not be expecting you to do something that the police should be doing, or anything that puts you in danger.

If you have concerns about the way the police have responded to your report then you can contact our **legal advice line**, see **Useful contacts** for details.

Coercive control that happened before 29th December 2015

The offence of coercive control came into force on 29th December 2015. It only applies to behaviour that happened after 29th December 2015.

If your abuser started the abuse before 29th December 2015 and the behaviour continued after that date then he could be charged for the behaviour after 29th December 2015. He cannot be charged for the behaviour before 29th December 2015, but it can be helpful in showing his bad character and it can support the case against him.

Protection from the Family Court: domestic violence injunctions

If you are **associated** to your abuser you may also wish to apply to the Family Court for a domestic violence injunction to protect you from further abuse or to exclude your abuser from your home. You can apply to the Family Court for a domestic violence injunction, whether or not you choose to report the abuse to the police.

You are associated to your abuser if you and your abuser:

- are or were ever married, engaged or in a civil partnership
- are or were living together (including as flatmates, partners, relations)

- are relatives, including: parents, children, grandparents, grandchildren, siblings, uncles, aunts, nieces, nephews or first cousins (whether by blood, marriage, civil partnership or cohabitation)
- have a child together or have or had parental responsibility for the same child
- are or were in an intimate personal relationship of significant duration

For more information see our legal guide **Domestic violence injunctions.**

The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

For free, confidential, legal advice on family law including domestic violence, divorce and relationship breakdown and issues relating to children:

Women living and working in London: call **020 7490 2562** the advice line is open Mon 11am–1pm, and Tues – Thurs 2–4pm.

For all women: call **020 7251 6577** the advice line is open Tues – Thurs 7–9pm and Fri 12–2pm.

For free, confidential, legal advice on immigration and asylum law or criminal and sexual violence visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Finding a solicitor

The Law Society

0207 320 5650

www.lawsociety.org.uk/find-a-solicitor/

Emergency contacts

Police (emergency)

999

24 hour domestic violence helpline

0808 200 0247

www.nationaldomesticviolencehelpline.org.uk

National LGBT Domestic Violence Helpline

0300 999 5428

<http://www.brokenrainbow.org.uk/help/helpline>

National Stalking Helpline

0808 802 0300

<http://www.stalkinghelpline.org/faq/about-the-law/>

Revenge Porn Helpline

0845 6000 459

www.revengepornhelpline.org.uk/

Stop Online Abuse

www.stoponlineabuse.org.uk

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