

Domestic Abuse Bill 2020: Statutory Definition of Domestic Abuse

What are we going to do?

The Bill will create, for the first time, a cross-government statutory definition of domestic abuse, to ensure that domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes.

Key Quote

It is vital that in tackling domestic abuse, everyone, from statutory bodies to members of the public, has a proper understanding of it and how to support and protect victims.

A statutory definition of domestic abuse will help to do this, emphasising that domestic abuse is not just physical or sexual violence, but can also be emotional, coercive or controlling, and economic abuse.”

Victoria Atkins MP, Minister for Safeguarding

How are we going to do it?

We will create a statutory definition of domestic abuse, which is based on the existing cross-government definition. The definition of domestic abuse is in two parts. The first part deals with the relationship between the abuser and the abused. The second part defines what constitutes abusive behaviour.

We have set out two criteria governing the relationship between the abuser and the abused. The first criteria states that both the person who is carrying out the behaviour and the person to whom the behaviour is directed towards must be aged 16 or over. Abusive behaviour directed at a person under 16 would be dealt with as child abuse rather than domestic abuse. The second criteria states that both persons must be “personally connected”.

The definition ensures that different types of relationships are captured, including ex-partners and family members.

We have listed broad categories which capture a range of different abusive behaviours, including physical, emotional and economic abuse. We have specifically included economic abuse to demonstrate that it is a distinct type of abuse.

We will issue statutory guidance to provide further details on the different types of abuse and abusive behaviours that sit within those categories. The guidance will also recognise that the majority of victims of abuse are female.

The Bill also recognises that domestic abuse can impact on a child who sees or hears or experiences the effects of the abuse and it treats such children as victims of domestic abuse in their own right where they are related to either the abuser or the abused.

Background

The Domestic Abuse Bill and wider action plan will help to ensure that victims have the

confidence to come forward and report their experience, safe in the knowledge that the justice system and other agencies will do everything they can both to protect and support them and their children and pursue their abuser.

The existing cross-government definition of domestic abuse, which has been in place since 2012, operates on a non-statutory basis. Putting the definition, and the accompanying guidance, on a statutory footing while also recognising on the face of the Bill the impact of domestic abuse on children will ensure that domestic abuse is properly understood and that in seeking to tackle this abhorrent crime and provide support services to survivors and their children, all public agencies and others are applying a common definition.

What will be in the statutory guidance?

The statutory guidance will provide further details on the different types of abuse and the forms they can take. This includes focusing on the gendered nature of domestic abuse and the devastating impact it can have on children who experience it.

It will also explain the different types of abuse which are experienced by specific communities or groups, such as migrant women or ethnic minorities.

Who is the guidance aimed at?

The guidance will be aimed at statutory and non-statutory bodies working with victims and perpetrators and commissioning services, including the police, local authorities and the NHS to increase awareness and inform their response to domestic abuse. It will also be aimed at support organisations working with victims.

What do you mean by economic abuse?

Economic abuse involves behaviours that interfere with an individual's ability to acquire, use and maintain economic

resources such as money, transportation and utilities. It can be controlling or coercive. It can make the individual economically dependent on the abuser, thereby limiting their ability to escape and access safety.

Examples of economic abuse include:

- Having sole control of the family income;
- Preventing a victim from claiming welfare benefits;
- Interfering with a victim's education, training, or employment;
- Not allowing or controlling a victim's access to mobile phone/transport/utilities/food;
- Damage to a victim's property

Why is there an age limit of 16?

In 2012, following a public consultation, the age limit in the cross-government definition of domestic abuse was lowered from 18 to 16, to recognise that young people can experience abuse in their relationships. There was strong support for maintaining the age limit in the Government's domestic abuse consultation in 2018. We do not want to risk blurring the lines between domestic abuse and child abuse.

How does the Bill deal with children affected by domestic abuse?

We recognise the devastating impact that domestic abuse can have on children exposed to it in their own home.

Part 1 of the Bill provides that a child who sees or hears, or experiences the effects of, domestic abuse and is related to the person being abused or the perpetrator is also to be regarded as a victim of domestic abuse. This will help to ensure that locally commissioned services consider and address the needs of children affected by domestic abuse.

One of the key functions of the Domestic Abuse Commissioner will be to encourage good practice in the identification of children affected by domestic abuse and the provision of protection and support for these children.

Other measures in the Bill will also help better protect both the victims of domestic abuse and their families, including the provisions in respect of Domestic Abuse Protection Orders and the Domestic Violence Disclose Scheme.

Shouldn't the definition acknowledge that victims of domestic abuse are primarily women?

We have used a gender-neutral definition of domestic abuse as we want to ensure that all victims and all types of domestic abuse are sufficiently captured, and no victim is excluded from protection or access to services.

The supporting statutory guidance will provide more detail on the features of domestic abuse, including recognising that the majority of victims are women.

This is also emphasised in the Violence Against Women and Girls Strategy refresh and the National Statement of Expectations, which sets out how local areas should ensure victims of violence and abuse against women and girls get the help they need.

What do you mean by 'personally connected'?

A personal relationship between the victim and perpetrator is key to the definition of domestic abuse. This is how domestic abuse is generally understood amongst the public and agencies.

We define people who are 'personally connected' as: intimate partners, ex-partners, family members or individuals who share parental responsibility for a child. There is no requirement for the victim and perpetrator to live in the same household.

Key facts

In the year ending March 2019, an estimated 2.4 million adults aged 16 to 74 years experienced domestic abuse in the last year (1.6 million women and 786,000 men).

The prevalence of domestic abuse has reduced from 8.9% in the year ending March 2005 to 6.3% in the year ending March 2019; this indicates a gradual, longer term downward trend.