



April 2020

Domestic Abuse Bill: Briefing and Proposed Amendments - Disabled Survivors

The Domestic Abuse Bill represents an exciting opportunity to tackle the profound inequalities faced by Deaf and disabled survivors in finding safety and support, and getting justice through the Criminal Justice System. It is only very recently that the national policy agenda has begun to consider the issues for Deaf and disabled survivors. It had hitherto been assumed that disabled victims of abuse would be dealt with by the Adult Safeguarding process, not as victims of domestic abuse, a gender-based, Violence against Women and Girls (VAWG) matter. Deaf and Disabled women have been speaking out.

Stay Safe East is a user-led specialist organisation working with disabled survivors of domestic and sexual abuse, hate crime and other forms of abuse.

Stay Safe East supports the measures in the Bill which aim to clarify the definition of domestic abuse and improve responses to victims. However, we believe the Bill does not go far enough in addressing the concerns and intersectional needs of Deaf and disabled survivors. This Briefing outlines 4 proposed amendments, and puts forward some additional issues for the Parliamentary Committee to consider.

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About Stay Safe East

Stay Safe East is a user-led London-based organisation which supports Deaf and disabled survivors of domestic and sexual violence, hate crime and other human rights abuses.

Founded in 2010 as a local East London service, in 2018 we extended our services across London, as partners in the London Victims and Witnesses Service led by Victim Support, and in Ascent Plus led by Solace.

We have supported nearly 400 domestic abuse survivors, 95% of whom are disabled women; they have a range of impairments (physical, sensory, neuro-diverse, mental health, learning disabilities, Deaf British Sign Language users, long-term health etc.) and are from very diverse backgrounds. Our advocates support our clients to get justice and resolution and to gain control over their lives, something they may never have had as disabled women.

Stay Safe East is led by disabled women and takes a holistic, feminist and intersectional approach. Our casework provides the evidence for policy and practice change. We provide training and advice to organisations working with survivors of hate crime or of violence against women and girls. We are currently funded by the Home Office to do national capacity building and policy work on violence against disabled women and girls.

Whilst we have worked with a small number of Deaf survivors, we believe the expertise on the needs of Deaf people lies with Sign Health, the only specialist service for Deaf victims.

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A Charitable Incorporated Organisation

Charity Number 1153615

Funded by Three Guineas Trust, City Bridge Trust, Trust for London, The Home Office, Mayor's Office for Policing and Crime (MOPAC), and from contracts led by Victim Support and Solace Women's Aid.

The Domestic Abuse Bill and Disabled Survivors

The policy equality statement from the Home Office and Ministry of Justice (2019) draws on data from the Crime Survey for England and Wales (year ending March 2018) stating that individuals with a long-term illness or disability were more likely to be victims of domestic abuse in the last year than non-disabled individuals. Public Health England (2015) found that disabled domestic abuse survivors may face greater risk factors than non-disabled survivors. It is likely that disabled women in particular are between 3 and four times more likely to experience domestic abuse than non-disabled women, and are more likely to experience multiple forms of abuse in their lifetime.

The living situation of disabled people may be different from that of non-disabled people – disabled people are more likely to live alone, they may receive care from someone who lives in or more likely comes to their home, or the person's home may not be a family home, but supported housing, nursing or residential care.

Disabled victims may also face specific forms of domestic violence which do not happen to non-disabled people and which usually involve the abuse using the victim's impairment or their situation in society to further control them: control of communication, medication (and over/under medication), restricting access to disability support or equipment, rough treatment when being assisted, attempting to 'normalise' neuro-diverse people, using the person's impairment to control them, for example by playing on their mental health or learning disabilities, theft of their benefits. Stay Safe East has developed its own risk assessment to help identify those specific features of domestic abuse against disabled people.

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These are some of the issues which Stay Safe East and its partners have identified from casework with disabled victims and survivors:

- Domestic abuse against disabled people is poorly recognised or identified by police, social care and other statutory services
- Responses to disabled survivors often fail to take account of their intersectional needs, such as their culture, sexuality or faith, as they are seen solely as 'the disabled'
- The gendered nature of domestic abuse is not recognised when disabled women are the victims. Disabled women are often blamed for their abuse
- Disabled victims are often not believed, and have to approach multiple services before they get help
- The current definition of domestic abuse does not reflect the experiences of our clients, who experience abuse not only from partners and family members, but from paid and unpaid 'carers' and others with whom they have a close connection
- Current guidance on domestic abuse does not fully recognise the specific forms of abuse experienced by disabled victims
- Disabled victims/survivors face multiple and complex barriers to accessing services, finding safety or refuge, negotiating the benefits and housing systems, getting justice through the Criminal Justice system,, and getting support to move on from trauma
- Existing adult safeguarding processes are failing disabled victims of domestic abuse and, in some cases, increasing the risk. This includes safeguarding against financial abuse, especially regarding disability-related benefits and services. The current definition of 'economic abuse' in the Bill does not include: 'The unauthorised and improper use of funds, property or any resources belonging to another individual', which would cover the perpetrator taking Carers Allowance /PIP etc but not providing care.
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- Domestic and sexual abuse is a key part of abuse of disabled women who have been 'cuckooed' by gangs and groups of people who take over their home (commonly known as 'cuckooing')
- Disabled mothers who are victims of domestic abuse are more likely than non-disabled mothers to have their children subject to child protection, and their children are significantly more likely to be removed from their mother's care
- Hate crime/identity-based abuse by family members, partners or carers is a key part of domestic abuse against disabled victims but it is almost impossible to obtain an enhanced sentence for the offender.

In preparing amendments to the Domestic Abuse Bill, we have taken account of the issues above.

Proposed Amendments to Domestic Abuse Bill: Disabled Survivors

Amendment 1

Repeal the 'carer's defence' clause in the 2015 Serious Crime and Domestic Violence Act Part 5 section 76, sub clause 8(a) and 8(B) and 9(A) and 9(B)

This states that (in relation to coercive control):

(8) In proceedings for an offence under this section it is a defence for A to show that-

(a) In engaging in the behaviour in question, A believed that he or she was acting in B's best interests, and

(b) The behaviour was in all the circumstances reasonable.

(9) A is to be taken to have shown the facts mentioned in subsection (8) if—

(a) Sufficient evidence of the facts is adduced to raise an issue with respect to them, and

(b) The contrary is not proved beyond reasonable doubt.

Justification

There is a lack of protections in the Serious Crime Act 2015 (section 76 – controlling or coercive behaviour in an intimate or family relationship) that should be addressed in the Domestic Abuse Bill. Section 76, Subsections 8(a), 8(b), 9(a) and 9(b) of the Serious Crime Act discriminates both directly and indirectly against disabled victims for the following reasons:

- The 'best interest' defence is more likely to be used when referring to disabled victims where the abuser is a 'carer' who can claim they have the victim's best interests at heart
- The defence is most likely to be used in relation to people who have learning disabilities or cognitive impairments, mental health issues, are

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- neuro-diverse or have communication issues (e.g. Deaf victims or those who are non-verbal) and who may have – or be seen to have – capacity issues. This defence may cover an alleged lack of capacity to consent before, during or after the offence or pattern of coercive control
- It also has implications for any victims who have mental health issues as a result of domestic abuse, who are less likely to receive equal justice
- This clause has the potential to prolong the abuse of disabled victims, to prevent victims getting justice and disadvantages disabled victims of coercive control and those lacking the capacity to consent.

The purpose of legislation on domestic abuse is to protect survivors, rather than to defend the rights of abusers or alleged abusers. This clause may make it harder to get a case to court, a process that is already difficult.

This is also an unnecessary clause: it is possible for someone to argue in defence under other legislation that the carer's actions were in the 'best interests' of the victim without this defence being written in statute in legislation on domestic abuse. There are sufficient provisions in the Mental Capacity Act.

If coercive or controlling behaviour is found to be justifiable in domestic abuse law in some circumstances, this undermines the whole concept of coercive control being a crime.

This clause is a licence for abusers to claim 'best interests' in a situation which disabled people would consider unreasonable and abusive but the general public, including juries and some parts of the Criminal Justice System, might see as a protective act. In a context of protectionism of so-called 'vulnerable adults', and carers being viewed as compassionate and 'over-burdened', this is open to misinterpretation.

Furthermore, it sets a precedent for how other agencies respond, exemplified in the trend of abusers claiming they were protecting the victim 'for their own good' when speaking to the police.

It has been impossible for Stay Safe East and its partners to ascertain whether this clause has already been used as a defence in the criminal courts. A

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request from Sisters of Frida, a disabled women's collective, for data on this matter was rejected by the Home Office because data collection would be 'too costly'. However, the conviction rate in 2018 was only 5% for coercive control, which may indicate the need for some level of improvement.

However, we believe this clause will influence – and has influenced – the outcomes of decisions about charging by the Police and CPS. It may be used as a defence by perpetrators, especially where there is ambiguity about the victim's capacity. It reinforces the widely held belief that carers are always benign, and can make decisions for the person they care for.

The clause also gives a clear message to the Criminal Justice System that so-called 'vulnerable victims' who need other people to 'act in their best interests' are not worthy of protection in the same way as other domestic abuse victims. Given the context in which disabled survivors are not believed, and their requests for help ignored, this is adding to the barriers faced by disabled victims of domestic abuse.

Evidence:

Please see Appendix 1 for example of cases where the perpetrator has claimed they were acting in the 'best interests' of the victim

Amendments 2a and 2b:

Domestic abuse by people to whom the victim is 'personally connected'

Section 76 of the Serious Crime Act does not cover anyone who is not in an intimate personal relationship, family, relationship/living together, so it is crucial that the Domestic Abuse Bill protects disabled people against coercive control and other forms of abuse by other people with whom they are personally connected.

The Bill currently refers to people who are 'personally connected' as *partners, spouses or family members* only. Domestic violence law must recognise the reality of disabled people's lives, where significant relationships may be different from those of non-disabled people. People may have been rejected

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by their initial family, or grown in an institutional setting but have created their own families of choice (this is especially true for LGBT disabled people). Paid and unpaid carers, personal assistants and other are a key part of the lives of disabled people, and whilst many are supportive and/or professional, domestic abuse by non-family carers to whom the disabled person is very close is all too common.

Key existing legislation and guidance supports our points in relation to the definition of 'personal connection, 'family' and home/domestic settings.

- a) In the Crown Prosecution Service Guidance on the Serious Crime Act, domestic abuse offending is treated as an aggravating factor because of the abuse of trust, which is a key element in extending protection against other perpetrators who are not partners or immediate family members. The CPS use 'abuse of trust' to get ancillary orders such as restraining orders. We have used this concept when referring to domestic abuse by paid carers.
- b) The European Convention on Human Rights (Article 8) refers specifically to "close personal ties" – not just to a family member or partner. The right and ability to maintain family relationships falls within the scope of Article 8
- c) The notion of "family" is not confined solely to marriage and is a question of fact depending on the existence of close personal ties. The case law on which the Government must rely is *Kroon v Netherlands* (1995: 19 EHRR 263).
- d) The notion of "home" does not depend on the classification under domestic law. Whether a habitation constitutes an individual's "home" depends on the existence of sufficient and continuous links with a specific place (*Buckley v UK5* (1996: 23 EHRR 101) and is therefore fact-specific in each case.
- e) We are putting forward two specific amendments. We have separated abuse by unpaid carers from abuse by paid carers, due to the existing legislation in relation to the Care Act which covers paid care workers, but in our view does not recognise the specific relationships of disabled people and carers with whom they are personally connected.

Amendment 2a:

Personal connection: non-family unpaid 'carers'

The Domestic Abuse Bill should broaden the definition of relationships covered within domestic abuse to include perpetrators who are:

Unpaid carers – neighbours, friends or others with whom the victim has a 'personal connection' and who perform caring duties for the disabled person

Justification

We would like to propose a wider definition of 'personal connection' to cover those individuals who assist or support disabled people and with whom a disabled person might form a personal connection. Trusting someone enough to let them provide either personal care, or support with day-to-day tasks or communication is in itself an emotionally intimate act which creates a close bond, but also risk of abuse. It is not infrequent for abusers to target the disabled person and 'befriend' them, and persuade them that this is done from an altruistic motivation, whilst at the same time exploiting and abusing the disabled person. The victim will experience the same ambiguity about power and control versus emotional attachment as any other victim of domestic abuse.

Note: Age UK has put forward a similar Amendment in relation to unpaid carers. It should also be noted that the Joint Committee on the Bill supported this proposal. Case studies are in Appendix 2.

Amendment 2b:

Personal connection: paid 'carers' with whom the victim has a close personal connection

The Domestic Abuse Bill should broaden the definition of relationships covered by domestic abuse to include perpetrators who are:

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Paid carers – Personal Assistants, paid Carers and other paid individuals who perform caring duties for the disabled person and with whom the victim has a ‘personal connection’.

Personal connection is defined in addition as:

- *Paid carers in a position of trust with whom the victim has a ‘personal connection’:*
 - *The relationship should be of significant duration (e.g. not referring to one-off/occasional agency care workers)*
 - *The abuser should have been providing emotionally or physically intimate support including supporting the person to live independently by providing intimate personal care, and having access to the person’s body, money, medication, food, equipment etc.*

It should be noted that a substantial proportion of disabled people have no relationship with anyone except the people who are paid to ‘care’ for them, forging a ‘personal connection’ and potentially engendering a relationship with a sometimes problematic power dynamic, and having the same impact on the victim as abusive family/intimate partner relationships.

Many disabled people with high support needs have live-in Personal Assistants or carers who live in their home all or some of the time. These relationships develop into a very close bond over time, and the carer becomes the person’s family. The impact of domestic abuse by a paid carer is often the same as that by a family member who is a carer, and the control is the same.

We are not suggesting that the definition of domestic abuse should include all care workers or personal assistants, as this is (or should be) covered by the Care Act, but refer to specific relationships as outlined above.

We are aware that the Care Act covers Adult Safeguarding by paid care workers in a position of trust. However, all the casework evidence from Stay Safe East and our partners shows that existing Safeguarding law and practice is woefully inadequate in protecting and supporting disabled victims of abuse

by paid carers. There is no access to domestic abuse services and the network of therapeutic and other services open to other domestic abuse services, no support from an advocate except where the person lacks capacity. Nor do Safeguarding procedures protect the victim- it is all too frequent for social workers to contact the perpetrator and arrange a meeting with victim and perpetrator, thus placing the victim at further risk – as a result of which the abuse may escalate, and a disabled victim may not speak out again. There is of course an argument for strengthening the Care Act, but we strongly believe that having two distinct laws and processes for supporting different victims of the same type of abuse is discriminatory and has led to disabled victims not being protected or supported.

It should be noted that the Joint Committee on the Bill broadly supported this proposal.

Amendments 3a and 3b:

Disabled survivors and Welfare Benefits

3a. The Domestic Violence Concession available to survivors claiming Job Seekers' Allowance should be extended to survivors claiming Employment Support Allowance.

Justification

The domestic violence concession does not currently apply to disabled people or those with health conditions who are claiming or start a claim for Employment Support Allowance (ESA), or are in the support group for ESA or Universal Credit (UC). As a result this group is unintentionally treated less favourably under the concession. The current situation is, in our view, incompatible with the Equality Act 2010 in that it fails to account for the specific circumstances of disabled claimants who are victims of domestic abuse.

There is no domestic abuse concession from Capability for Work assessments, so disabled victims who are claiming benefits are called for Capability for Work assessments when they are in the process of escaping an abusive relationship.

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Attending assessments where they are asked to justify their impairment can retraumatise disabled survivors and often leads to them being placed on Universal credit and having to attend work related activities, which are not single gender and are activities where abusers can easily find them, or they may end up with no money because they can't cope with the process. Stay Safe East has several examples of victims returning to the abuser because of these assessments, despite our best efforts to support the victim.

3b. The Destitution Domestic Violence Concession should be extended from 3 to 6 month in order to meet the requirements of the Equality Act for reasonable adjustment on the grounds of disability, immigration status and other factors

Stay Safe East supports the amendment put forward by the Step Up! Migrant Women Coalition, as the impact on disabled survivors is similar to that on migrant women.

Justification

Deaf or disabled clients often come to Stay Safe East with no paperwork and no ID or indeed passport or visa. If they have learning disabilities or cognitive issues, they may not understand what sort of visa they arrived on or know the full details of where they were born or, if trafficked, where they were taken. They may never have seen the paperwork or understood it. Those with Post Traumatic Stress Disorder or who are dependent on the abuser to read paperwork are rarely able to act promptly, and often it can be months before victims are able to access services or disclose that they have uncertain immigration status. Such an extension would also benefit for example black and minoritized women who are not disabled. A longer period for the concession means fewer women will be at risk. A longer period for the concession means fewer women will be at risk of being re-victimized or returned to the abuser.

Amendment 4: Hate crime within domestic abuse

The Domestic Abuse Bill should strengthen current provisions within the Serious Crime Act 2015, so that Domestic abuse which involves hate crimes or incidents based on hostility from someone with a personal connection towards the victim because of who they are (disability, sexuality, gender identity, ethnicity, faith, age etc.) is recognised and prosecuted as domestic abuse and hate crime.

The guidance should ensure that evidence is gathered and that prosecutors ask for an enhanced penalty/sentence on the grounds that the offence is motivated by hostility on the grounds of disability or other protected characteristic.

Justification

An overwhelming majority of Stay Safe East's clients have experienced hostility as part of domestic abuse **because** they are disabled people. For example, female clients who have become disabled during a relationship have been abused about being 'useless' and 'not a fit wife' due to becoming disabled and as a result have suffered physical and sexual abuse, and humiliated in front of family members and their children. Much of the domestic abuse against our clients involves using their impairment to abuse them, for example by denying them access to equipment, manipulating medication to make their physical or mental health worse or simply calling them abusive names and mocking their speech, walk, body or other personal characteristic relating to their impairment. Clients who have an invisible impairment are threatened with being 'outed' to family, neighbours, the wider community.

We believe that this behaviour matches the Home Office definition of hate crime which refers to:

'hostility towards someone because of their race, faith, disability, gender identity, sexuality'

and should be recognised as a key part of domestic abuse. Most significantly, it would also strengthen the case for perpetrator to be charged with an

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aggravated offence, or in the case of disability hate crime (hate law is currently unequal), for prosecutors to ask for an enhanced sentence should the suspect be found guilty. The Serious Crime Act 2015: Section 76 allows for other offences than coercive control to be prosecuted as part of the pattern of offences. This is usually stalking or harassment, but if Police officers put forward hate crime, it double flags the victim in further incidents and means the uplift has a better chance of being used. Stay Safe East has tried repeatedly but without success, to ask for the offences to be taken as hate crime as well as domestic abuse related assault or other offences but without success.

Recognising hate crime as a component of domestic abuse would help protect victims with protected characteristics, and in particular disabled victims. The Law Commission is due to report in 2020 on their review of Hate Crime law. Were the law to be changed to include misogynist and age-related hostility, it should be made clear that hate crime law also applies to domestic abuse crimes.

Domestic Abuse Bill and Disabled Survivors: other issues of concern

Stay Safe East makes the following recommendations to ensure that the Bill and related guidance are effective in meeting the needs of disabled survivors.

a. Duty of safeguarding professionals

The Bill must place a clear duty on all professionals using adult and child protection/safeguarding procedures to ensure that the safety of the victim and her children or other dependents is paramount, and that the victim is referred to appropriate domestic abuse service for support.

Justification

Stay Safe East has encountered multiple cases of clients who have been subjected to safeguarding procedures instead of being referred to Independent Domestic Violence Advocate (IDVA) services or to Multi Agency Risk Assessment Conference (MARAC). These processes are not designed to safeguard people promptly and, if initially substantiated, lead to an investigation by social workers which often involves speaking to the alleged perpetrator(s). This is something that IDVA services do not do and should only be the remit of the police. It substantially increases the risk to victims.

In cases involving child protection, the safety of the child is of course paramount. However, the safety of the mother is often neglected and confidentiality and safety protocols are breached, especially if the mother is disabled.

Stay Safe East would like to see a specific duty on health and social care professionals to ensure that safeguarding does not put disabled victims at further risk.

Evidence

- A disabled mother was pressured by Children’s Social Care to leave the abusive father, and told that her children would be removed if she did not; however the father was receiving all the documents about the domestic abuse whilst he was still living with her; the domestic abuse was discussed in child protection meetings in front of the abusive father, putting the mother at further risk.
- A safeguarding meeting was held in relation to a disabled woman experiencing domestic abuse; on arrival at the meeting, she and her advocate found that the perpetrator has been invited. He was asked in front of the victim whether he was abusing her; he denied it. Exasperated by his lies, she spoke out, and in spite of efforts by her advocate, the social worker asked the disabled woman specific questions about the abuse and advised her to find a refuge space. The advocate eventually managed to stop the meeting so that she could support the disabled woman to be safe (a refuge was not an option due to her support needs). Had the advocate not been present, the disabled woman would have returned to her home and faced further abuse.

b. Tackling discrimination against disabled mothers in the Child Protection system and the Family Courts

Disabled mothers face substantial discrimination within the child protection system and in the Family Court. They become aware of this at an early stage, and as a result are less likely to speak out about abuse when it happens, for fear of losing their children. There is an assumption by many professionals that a disabled mother is a ‘not good enough mother’, and that she cannot care for her children without the perpetrator- yet the perpetrator (partner or family member) may have been undermining her parenting abilities, subjecting her to unremitting physical and emotional abuse and coercive control and making her believe she is not able to parent without the abuser. There is already a strong climate of blaming any mother for not protecting her children-instead of requiring the abuser to take responsibility for their behaviour. A critical part of Stay Safe East’s work is supporting disabled mothers through child

protection and proceedings. Often women are referred to us at a very late stage of the proceedings, and have not fully understood the process. There is little recognition of the fact that disabled mothers may, without harming their children, adapt their strategies for dealing with their children to match to their own access or communication needs, or need support because they have had no positive experiences of parenting. The process itself can be disabling and undermine the mother's ability to care for her children - for example requiring a physically disabled mother who has issues with fatigue to attend meeting after meeting with professionals. Children's social workers rarely refer the mother for assessment for adult social care, which would help her manage her own impairment, and she is often too frightened to ask for help. We have seen some recent examples of good practice, but have also seen pressure put on mothers to let the abusive parent take the children – the justification being that he/she has never abused the children, only the mother. A disabled mother finds herself caught between her own safety and keeping her children.

Solutions include a longer time period than the standard six months as a reasonable adjustment in Proceedings, packages of support from children's and adults social care to support a disabled mother, and automatic access to an independent advocate for all disabled mothers.

c. Special measures: Rights of Deaf and disabled victims

The proposal relating to the Bill to put special measures in place on a statutory basis for all victims should be extended to include the rights of Deaf and disabled victims to appropriate disability-related special measures, to ensure they have an equal chance of justice in the Criminal Justice System.

These measures would help mitigate the very low numbers of disabled victims of domestic abuse whose cases make it to court. There is no statistical data on how many of the victims who fail to attend court are disabled, but the experience of Stay Safe East's clients shows that the failure to meet disabled and other victims' needs may be part of the explanation. Specific rights for

disabled victims (and other vulnerable and intimidated witnesses) should include:

- The right to an enhanced service as outlined in the Victim's Code of Practice including being given information in a format that meets their communication needs
- The right for an advocate or friend to accompany them when being interviewed regardless of whether they are deemed to be a vulnerable adult
- The right to be interviewed at home if they are unable to get to court
- The right to an Achieving Best Evidence (ABE) or advanced ABE interview on video by a trained officer if they are traumatised, disabled, Deaf or are using an interpreter (spoken language or British Sign Language or other sign language)
- The right to an intermediary to support them from interview through to court
- The right for a woman to be interviewed by a female officer if she chooses

d. A duty should be placed on Central and Local Government to:

- *Publish disaggregated data relating all protected characteristics in relation to domestic abuse, including Deaf and disabled victims*
- *Assess the needs of survivors on a national and regional basis, taking account of the needs related to all protected characteristics*
- *For Central Government to provide sufficient funding to local government to enabled them to ring-fence the resources that are necessary to respond to the needs of excluded groups including deaf and disabled survivors*

- *Service Commissioners must have a duty to ensure that commissioned services meet the needs of people with protected characteristics, including specialist services for disabled victims*

Justification

Local data about disabled victims are poor or non-existent. For example, on average, only 4% of victims referred to local MARACs are identified as disabled people, but in Waltham Forest where Stay Safe East has been working for six years, the percentage is between 20 and 24% over the last two years. This shows that early identification and referrals can help identify the true extent of domestic abuse against disabled people. National data are becoming more accurate and beginning to show the incidence or severity of domestic abuse against some groups, including Deaf and disabled and LGBT victims. Currently, local service commissioners rarely consider the need for services to be inclusive of disabled victims, and the model for commissioning (short term and mainly phone contact) fails disabled victims. Cooperation among funders and across local authority areas may sometimes be required for services targeting particular sections of the population to be viable

e. Lesbian, gay, bisexual and transgender family members as 'personally connected' to the victim

Lesbian, Gay, Bisexual and Transgender (LGBT) and other individuals have families which are not bound by ties of blood, adoption or marriage but are 'chosen families' which are as significant as heterosexual families. The definition in the Bill is arguably inconsistent with the Equality Act 2010 in that it does not recognise these significant relationships. Abuse by LGBT family members has the same impact in the victim as that by partners, parents or siblings. The opportunities for control and abuse are especially significant for older and disabled LGBT people who may be subject to domestic abuse that is financial, sexual or psychological or may involve coercive control.

Appendix 1

Case studies: disabled survivors - Evidencing the need for legislative change

a. Abuse involving coercive control which the abuser claims is in the 'best interest' of the disabled victim (the 'carer's defence')

- Perpetrator drives the survivor everywhere, claiming that taxi drivers may take advantage. The victim has no independent means of getting around, and only goes out if the perpetrator lets them.
- Perpetrator attends all appointments with the survivor, stating that they will get confused, meaning there is no space for the victim to make an abuse disclosure
- Perpetrator appears to professionals as a protective factor against the previous abusive partner, whilst the perpetrator is psychologically abusive
- The parents of a 30-year-old woman with learning disabilities claimed that she had agreed to marriage so she could be 'looked after' when they were gone. Social services initially agreed with the parents, despite the previous attempt at forced marriage, and only agreed to seek a forced marriage order four months later after prolonged pressure from the organisation advocating for the victim
- The mother of a young Deaf woman with learning disabilities stopped her going out, only letting her go to college with a chaperone as 'she would be at risk from strange men', but failed to teach her daughter about safe relationships and was abusing her physically, emotionally and financially.
- Perpetrator was telling the victim to 'stand up straight because your posture will get worse and you will get back pain' when he knew that she could only keep her balance and stay upright if she leaned forward, due to MS and balance problems
- The perpetrator said the survivor (who is hearing impaired) would struggle to care for the children on her own, so he should look after them, having taught them to speak quietly to him so that she struggled to hear them

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- A wheelchair user was not taken out of the house for months by parent/carer, claiming that it was not in her best interests to expose her to the cold, and was forced to sleep in her wheelchair when she complained to her support worker
- The perpetrator did not permit his partner access to her own money, claiming that she was unable to manage her finances following an acquired brain injury; the perpetrator used her money to buy a car
- Paid carers for a 78-year-old woman did not report significant physical bruising (a black eye and severe facial bruising) because her husband claimed that he had to restrain her for her own good
- Woman aged 48 was kept sedated for months 'to help her sleep' after she contacted our helpline
- Woman in her 50s was physically and mentally abused by her husband and persuaded that she did not need to go to her medication reviews (the GP colluded in this), as she was too ill. She was over and under medicated, including paranoia and confusion, as he claimed to be acting in her best interests because she had dementia. She did not.

b. Domestic abuse by non-family members with whom the victim has a significant 'personal connection'

Case study 1

A disabled woman was targeted by a man who was homeless. He gradually gained her trust and over a period of months, she began to see him as her friend, then as 'better family than my own'. He assisted her first with shopping (while taking her money), then with household tasks and eventually with personal care. His controlling and intimidating behaviour towards the woman's carers led them to withdraw the support, leaving him in complete control of the disabled woman's life. There was physical, sexual, emotional and financial abuse. The man then brought his friends into the woman's home; they further intimidated her. When she was eventually able to seek help, her health had deteriorated due to neglect. Whilst the actions of the man and his friends could be described as 'cuckooing' (a term used by the police to describe taking over a person's home for criminal or other purposes), they also

constitute domestic abuse: the woman had a 'close personal connection' with the abuser which left her dependant on him and open to abuse.

Case study 2

A neighbour befriended a woman with learning disabilities, became her carer and provided her with support. He then demanded sex and verbally abused her because she would not have sex with him.

Case study 3

A disabled woman with a physical impairment had been employing Personal Assistants (PAs) for many years. She had been employing a particular PA for 10 months months, and liked the woman, finding her very supportive. The PA had been on holiday with her. The woman saw her as part of her 'family of PAs'. A friend then pointed out to her that the PA was being very controlling, and dictating when the disabled woman went out, what she could eat, and undermining her in front of friends and family. The disabled woman was at first in denial, but then contacted a domestic abuse service. The service said they could not help her, as it was 'not domestic abuse' and advised the woman to contact social services. She did not wish to do this, as she was worried that social workers would say she couldn't cope and would make her use an agency. She decided to challenge the controlling PA. At this point, the PA threatened to disclose the woman's sexuality to her family, and became physically abusive, being very rough with the disabled woman when helping her with personal care. The victim was too frightened to say anything more. It took a further 4 months before the woman felt able to speak to a disabled people's organisation.

All three of these women experienced abuse by people who had in effect become their family, and with whom they had a close personal connection. They experienced this abuse as domestic abuse. Case study 3 sought help but was refused a service by a domestic abuse agency because her situation did not 'fit' the current definition of domestic abuse, and suffered a further four months of abuse before getting the right help.

Stay Safe East Policy Briefing

With thanks to the members of the Stay Safe East Disability and Domestic Abuse Advisory Group for their input and comments:

Jess Assato - Safe Lives

Susie Balderston - University of Birmingham

Lucia Bellini - Choice in Hackney

Josephine Feeney - Victim Support

Monique Francois

Alex Irving – Stay Safe East

Marai Lasai- Independent Consultant

Eleanor Lisney - Sisters of Frida

Joan McGowan - Solace Women's Aid

Ashley Stephen – Disabled Survivors Unite

Dr Bethan Taylor- MyCWA

Lizzie Taylor-Wilson - Merton Centre for Independent Living

Lynn Tooze - Respond

Marie Vickers - Sign Health Domestic Abuse Services

and to Sabita Kaushal at the Home Office VAWG team for supporting the work of the Advisory Group.

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April 2020.

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