



Rt Hon Maria Miller MP
Member of Parliament for Basingstoke

House of Commons
London SW1A 0AA
Tel: 020 - 7219 5749

Eleanor Lisney
Sisters of Frida
Women Resources Centre
United House
North Road
London N7 9DP

Our Ref: MM32387

8 March 2018

Dear Ms Lisney,

Further to our recent correspondence I have now received a reply to the letter I wrote on your behalf to the Home Office.

I enclose a copy of this letter for your information which I hope answers the questions you have raised with me and clarifies the work that the Government has been doing to address multiple forms of discrimination.

I hope you find this information of interest and thank you once again for writing to me on these important issues.

With best wishes,



Home Office

Victoria Atkins MP
Minister for Crime, Safeguarding and
Vulnerability

2 Marsham Street,
London SW1P 4DF
www.gov.uk/home-office

Rt Hon Maria Miller MP
House of Commons
London
SW1A 0AA

CTS Reference: M1996/18
Your Reference: MM32387

02 MAR 2017

Dear Maria,

Thank you for your letter of 7 February on behalf of Ms Eleanor Lisney of Sisters of Frida CIC, WRC, United House, North Road, London, N7 9DP about Section 76(8) of the Serious Crime Act 2015, and the risks that this could pose to disabled women in particular.

The Government is acutely aware that some sectors of society can experience multiple forms of discrimination and disadvantage or additional barriers to accessing support. We are clear that local areas are best placed to understand local needs, which is why we launched a National Statement of Expectations (NSE) which sets out a clear blueprint for good local commissioning and service provision that focuses on ensuring the needs of all victims are met – including those with disabilities.

Our Violence Against Women and Girls (VAWG) strategy sets out our ambition that by the end of this Parliament no victim of abuse is turned away from the support they need. To support this we have committed funding of £100 million to VAWG services - £80 million in the new VAWG Strategy published in March 2016 and a further £20 million announced in the 2017 Spring Budget to support the local provision of VAWG services, encourage new approaches which incorporate early intervention, establish and embed the best ways to help victims and their families, and prevent perpetrators from re-offending.

The Government has also provided over £2 million of funding for six projects which include specific support for disabled victims of abuse. For example, the organisation Shaping Our Lives received £58,000 to establish and pilot systems and practices that will help ensure that the needs of disabled women experiencing or at risk of violence or abuse are met through current service provision.

In 2015 a new domestic abuse offence to capture controlling or coercive behaviour in intimate and familial relationships was introduced by the Serious Crime Act 2015. This offence means victims who experience coercive and controlling behaviour that stops short of serious physical violence, but amounts to extreme psychological and emotional abuse, can now bring their perpetrators to justice.

In Sisters of Frida's letter they query the need for a defence once a case for abuse has been set out. I would like to reassure them that the specific defence contained within s.76(8) will not be available to those who have caused another person to fear that violence could be used against them. However, a defence is absolutely necessary to capture, for example, a spouse having to exert control over a mentally ill partner to care for them. Nobody would want someone to face jail for caring for someone in difficult circumstances.

In order to be able to rely on the defence, a defendant needs to provide evidence that they believed that they were acting in the best interests of the victim and that their actions were reasonable in the circumstances. If the defence is raised at trial, whether the actions were reasonable in the circumstances will ultimately be a matter for the magistrates or the jury.

The Government is wholeheartedly committed to protecting all victims of domestic abuse; it does not condone any form of abuse under any circumstances. S.76(8)(b) is intended to cover circumstances such as where a person is a carer for a mentally ill spouse, and by virtue of his or her medical condition, he or she has to be kept at home or compelled to take medication, for his or her own protection or in his or her own best interests. The Crown Prosecution Service has published legal guidance on Controlling or Coercive Behaviour in an Intimate or Family Relationship to guide prosecutors in making decisions in these cases.

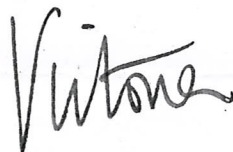
The Home Office also published statutory guidance in 2015 on Controlling or Coercive Behaviour in an Intimate or Family Relationship, which makes explicit reference to the fact that police officers will need to consider how any additional needs and barriers may affect the ability and willingness of the individual victim to recognise or report abusive behaviour. It also highlights that victims may face additional forms of violence related to their impairment, for example a perpetrator may think that a disabled person or a person with learning difficulties will not be believed by the police or in court, or could be prevented from reporting a crime to the police. The guidance also refers to the Tool Kit for Prosecutions in VAWG Involving Vulnerable Victims and The Mental Capacity Act 2005 which allows for special measures to be put into place, such as the use of an intermediary, to address some of the difficulties that witnesses with a disability or learning difficulties may have.

In August 2014 the Government launched an eight week public consultation to draw on the expertise and experience of victims, survivors, academics, the voluntary sector, communities and professionals on whether there should be a specific offence to capture patterns of coercive and controlling behaviour in intimate relationships. The consultation explicitly referenced the Her Majesty's Inspectorate of Constabulary (HMIC as it then was) 2014 thematic review on the police response to domestic abuse. The review highlighted evidence which demonstrated that anyone can experience domestic abuse regardless of their gender, ethnicity, religion, sexuality, class, age or disability. The consultation was framed in this vein in order to better understand ways in which to protect all victims, as well as to recognise what more needs to be done to change public attitudes towards domestic abuse and improve the police response.

The Justice Secretary and the Home Secretary, reporting directly to the Prime Minister, are currently leading a major new programme of work leading towards a Domestic Abuse Bill. The Bill will be supported by a programme of non-legislative measures to drive improvement across all agencies so that all victims and their families receive the effective protection and support that they need.

We will be launching a public consultation on the Domestic Abuse Bill and supporting work programme later this year, to draw on the expertise and experience of victims, survivors, academics, the voluntary sector, communities and professionals to do all we can to improve the system. We encourage Sisters of Frida to participate in this consultation and provide their thoughts, comments and ideas on what more the Government could do to ensure that disabled victims have access to the support they need, when they need it, and that they are fully protected.

Yours ever,

A handwritten signature in black ink, appearing to read 'Victoria'.

Victoria Atkins MP