



Specific Guidance – Domestic Abuse

This is a copy of the guidance document developed by the Catholic Safeguarding Advisory Service for England and Wales. It was last updated in May 2016. For further information please visit www.csasprocedures.uk.net

1. WHAT IS DOMESTIC ABUSE?

- 1.1. Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. (Home Office Circular 003/2013)

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.*

*This definition includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

- 1.2. All forms of abuse cause damage to the survivor, particularly to their self – esteem, and express an imbalance of power in the relationship. Abuse can on rare occasions happen once, but usually it is a systematic repeated and often escalating pattern of behaviour by which the abuser seeks to control, limit and humiliate, often behind closed doors.

1.3. **Physical**

For example, hitting; slapping; burning; pushing; restraining; giving too much medication or the wrong medication; assault with everyday implements such as kitchen knives; kicking; biting; punching; shoving; smashing someone's possessions; imprisoning them; or forcing them to use illegal drugs as a way of blackmailing and controlling them.

1.4. Psychological

For example, shouting; swearing; frightening; blaming; ignoring or humiliating someone; blackmailing them; threatening harm to children or pets if they misbehave; ridiculing every aspect of their appearance and skills; keeping them deliberately short of sleep; being obsessively and irrationally jealous; keeping them isolated from friends and family; threatening suicide or self-harm.

1.5. Financial

For example, the illegal or unauthorised use of someone's property, money, pension book or other valuables; forcing them to take out loans; keeping them in poverty; demanding to know every penny they spend; refusing to let them use transport or have money to pay for it.

1.6. Sexual

For example, forcing someone to take part in any sexual activity without consent e.g. rape or sexual assault; forcing them or blackmailing them into sexual acts with other people; forcing children to watch sexual acts; sexual name-calling; imposition of dress codes upon a partner; involvement in the sex trade or pornography; knowingly passing on Sexually Transmitted Infections.

1.7. Spiritual

For example, telling someone that God hates them; refusing to let them worship (e.g. not allowing partner to go to church); using faith as a weapon to control and terrorise them for the abuser's personal pleasure or gain; using religious teaching to justify abuse (e.g. submit to your husband), or to compel forgiveness.

1.8. Neglect

For example, depriving someone of food, shelter, heat, clothing, comfort, essential medication or access to medical care.

In March 2016, the Home Office published its 2016-20 strategy to end violence against women and girls. This includes £80 million of dedicated funding to provide core support for refuges and other accommodation-based services, rape support centres and national helplines. From April 2017, a new Violence Against Women and Girls Service Transformation Fund will support local domestic abuse service provision.

2. THE LAW RELATING TO DOMESTIC ABUSE

- 2.1.** Research suggests that people subject to violence within their home usually try to resolve the problem within the private sphere. Going public to seek help is often the last resort and requires a significant degree of courage.

- 2.2.** There has been understandable reluctance in the past by agencies such as the Police and Social Services to actively intrude into private households. This is in part due to not acknowledging domestic abuse for what it is – criminal violence against another person, predominantly women. This position has changed in recent years and has resulted in legislation designed to address these situations.
- 2.3.** Police and Criminal Evidence Act 1984 empowers the Police to enter premises without a warrant for the purposes of saving life or limb. They can arrest without warrant if they have reasonable grounds for believing arrest is necessary to prevent physical injury.
- 2.4.** The Family Law Act 1996 can be used to require someone to leave the home or not come near the home.
The Act also includes the provision for non-molestation orders which covers:-
- Threats of physical or sexual violence;
 - Carrying out physical or sexual violence;
 - Phone calls;
 - Letters.
- 2.5.** The Protection From Harassment Act 1997 relates to a person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against them.
- 2.6.** Section 76 of the Serious Crime Act 2015 came into force in December 2015 and criminalises patterns of coercive or controlling behaviour where they are perpetrated against an intimate partner or family member. A number of other criminal offences can apply to cases of domestic violence - these can range from murder, rape and manslaughter through to assault and threatening behaviour.
- 2.7.** Civil measures include non-molestation orders, occupation orders and domestic violence protection orders (which can mean that suspected perpetrators have to leave their houses).
- 2.8.** These pieces of legislation should help to enable those individuals subjected to domestic abuse to live in their own homes and aggressors to be excluded. Recourse to this type of public protection can only be sought however if the individual is aware of the law and their rights and is supported in making this choice.

3. SAFEGUARDING AND DOMESTIC ABUSE

- 3.1.** Domestic abuse becomes a safeguarding matter if:-
- There are children living in the household;
 - The victim lacks capacity;

- The victim is a vulnerable adult;
 - The victim is dependent upon their partner for care.
- 3.2.** In any of the above scenarios the National Safeguarding Procedures of the Catholic Church of England and Wales should be followed, specifically the “How to Respond to Concerns and Allegations” (Procedure).
- 3.3.** In all other scenarios the individual subject to domestic abuse should expect to receive a sensitive and consistent pastoral response.

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