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**Cymorth i Ferched Cymru**  
**Welsh Women's Aid**

Rhoi Merched a Phlant yn Gyntaf  
Putting Women & Children First

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<b>These are the views of:</b>	<i>Welsh Women's Aid (Third Sector) - the national charity in Wales working to end domestic abuse and all forms of violence against women.</i>

### About Welsh Women's Aid

Welsh Women's Aid is the umbrella organisation in Wales that supports and provides national representation for independent third sector violence against women, domestic abuse, and sexual violence (VAWDASV) specialist services in Wales (comprising our membership of specialist services and members of the regional VAWDASV Specialist Services Providers Forums). These services deliver lifesaving and life-changing support and preventative work in response to violence against women, including domestic abuse and sexual violence, as part of a network of UK provision.

As an umbrella organisation, our primary purpose is to prevent domestic abuse, sexual violence, and all forms of violence against women and ensure high quality services for survivors that are needs-led, gender responsive and holistic. We collaborate nationally to integrate and improve community responses and practice in Wales; we provide advice, consultancy, support, and training to deliver policy and service improvements across government, public, private and third sector services and in communities, for the benefit of survivors.

We also deliver the Wales National Quality Service Standards (NQSS), a national accreditation framework for domestic abuse specialist services in Wales (supported by the Welsh Government) as part of a UK suite of integrated accreditation systems and frameworks. (More information on the NQSS can be found here: <http://www.welshwomensaid.org.uk/what-we-do/our-members/standards/>)

Welsh Women's Aid welcomes the opportunity to respond to the Home Office's consultation on the controlling or coercive behaviour statutory guidance.

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Welsh Women's Aid is a registered charity in England and Wales, No. 1140962  
and a company limited by guarantee registered in England and Wales, No. 07483469



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We welcome the acknowledgement of Wales specific legislation that addresses coercive control (such as the VAWDASV Act 2015) and the intention that devolved and non-devolved bodies should work together to enact this guidance. Without genuine collaboration and understanding of Wales- specific context, there is a danger that emerging guidance is contradictory to existing legislation or will not be effective for Welsh survivors.

We wish to reiterate the following recommendations made by our sister organisation Women's Aid Federation England, with the addition of a Welsh lens on certain points.

***Recommendation to prominently recognise children as victims throughout the Guidance.***

We consider that the impact of CCB on children and young people (CYP) should not be represented as a 'related consideration' (Paragraph 141) but should instead be addressed in the introductory and criminal justice response sections of the Guidance.

Children are often disproportionately impacted by domestic abuse, and yet frequently overlooked in terms of support by statutory agencies. Welsh Women's Aid's 'I trust them'<sup>1</sup> report revealed that 80% of the children and young people surveyed in Wales stated that they would turn to the internet for support, rather than to establishments such as criminal justice or education in times of need, and none of the respondents said they would turn to the police in times of need. These statistics feed into a wider picture of children and young people's experiences of abuse being misunderstood, undervalued, or dismissed. Until their trauma is given an equal platform, understanding and tailored support, this will continue.

It should be made explicit that the guidance is including both adults and children when it refers to victims/survivors. Explicit acknowledgement of children as victims in their own right was a welcomed addition of the Domestic Abuse Act<sup>2</sup> and it is right that there is consistency around recognising the severity of experiences throughout all emerging guidance and legislation.

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<sup>1</sup> [I-trust-them-CYP-Resilience-Survey-Report-English.pdf \(welshwomensaid.org.uk\)](#)

<sup>2</sup> [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#)





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***Recommendation for the Guidance to recognise the breadth of survivors which are subjected to this criminal offence, and to acknowledge specific impacts of CCB on Black and minoritised women.***

There are specific ways in which coercive and controlling behaviour impacts on Black and minoritised women due to compounding structural inequalities within society. This affects the indicators for detecting the offence, both by members of the community and statutory agencies. Currently, there is a clear lack of understanding around the support needs of Black and minoritised women. Sistas Space recently presented compelling evidence in Parliament on the detrimental impact of this knowledge gap across statutory agencies.<sup>3</sup> Women's Aid Federation England's recently commissioned research on the mental health impacts of domestic abuse on Black and minoritised women demonstrates that the levels of distress among those [Black and minoritised women] experiencing abuse were such that some women viewed self-harm and suicide as a strategy to deal with this, and services were only accessed at a point of crisis<sup>4</sup>.

We would suggest that the Guidance also draws on the evidence provided in Women's Aid's Report on the Economics of Abuse, which features reports from women that their partners "prevented them from learning/improving their English language skills as part of a pattern of controlling behaviours."<sup>5</sup>

We would like to emphasize that CCB will also have specific and extensive impacts on migrant survivors who have no recourse to public funds.

***Recommendation for the Guidance to recognise the specific ways in which CCB manifests post-separation, which is crucial given the legislative context in which this Guidance was revised.***

We welcome the recognition in the draft controlling and coercive behaviour (CCB) statutory guidance that domestic abuse does not end when a relationship ends. By contrast, a perpetrator's coercive control over a

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<sup>3</sup> [Westminster Hall - Hansard - UK Parliament](#)

<sup>4</sup> Thiara, R.K. and Harrison, C. (2021) Reframing the Links: Black and minoritised women, domestic violence and abuse, and mental health - A Review of the Literature. Bristol: Women's Aid

<sup>5</sup> Women's Aid (2019) The Domestic Abuse Report 2019: The Economics of Abuse. Bristol: Women's Aid. Pg 44. Available online.





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survivor often intensifies post-separation.

However, in addition to this, the Guidance should clarify in the introduction that controlling and coercive behaviours often evolve post-separation, whereby new perpetrator tactics may be employed to maintain control over a survivor. This is crucial given the legislative context of the Section 68 amendment, which means statutory agencies will need to be able to identify controlling and coercive behaviour post-separation.

***Recommendation to remove language which contributes to the presumption that controlling and coercive behaviour is too complex an offence to be able to charge.***

We are concerned by the framing of CCB in Paragraph 4 that 'These [barriers to leaving] often presents challenges for the police and prosecutors in terms of collecting evidence to build a case either on controlling and coercive behaviour or stalking.' We are clear that the challenges in meeting the high evidential threshold for proving controlling and coercive behaviour disproportionately impact survivors, who are predominantly women and children.

There was a strong consensus in focus groups (and wider ongoing feedback) with specialist services that statutory responses to instances of CCB are often hindered by a perception that cases 'are too difficult to prove'. As a result, women are less inclined to report CCB and thus stay with their abuser. While we appreciate that this is not a guide on the operational practice of gathering evidence, recognition of the need for a trauma-informed investigation is required for the Guidance to be effective. The Home Office should therefore ensure that the Guidance does not further discourage statutory agencies from pursuing justice in cases of CCB. We suggest that the sentence in Paragraph 4 is removed and replaced with the following:

*'When collecting evidence, the police and prosecutors should therefore prioritise supporting victims to understand what constitutes evidence.'*

***Recommendation to further clarify the ways in which controlling and coercive behaviour escalates post separation, as well as the distinct ways in which it manifests when a relationship ends.***

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We welcome the Section 68 amendment which removes the 'living together' requirement for ex-partners and family members in cases of controlling and coercive behaviour offences, as well as the broader recognition under the landmark Domestic Abuse Act that the end of a relationship does not equate with the end of abuse. However, it is critical to understand that domestic abuse not only continues once a relationship ends but is also characterised by a diversified set of behaviours and tactics, which together form a distinct type of abuse - post-separation.

The tactics employed by perpetrators when relationships end are designed to further undermine a survivor's capacity to transition into safe and settled lives, and thus force them to return to their abuser. Furthermore, there is an increasingly large body of research that shows CCB often intensifies post-separation. Thus, when leaving an abuser, coercive control pervades new aspects of a survivor's life and subjects them to a heightened sense of fear. Without this crucial context, criminal justice agencies will not be able to effectively identify the criminal offence of CCB, and thereby risk failing to adequately support victims to access justice and recover from their trauma. To achieve the ambition and spirit underpinning the series of landmark legislative and strategic measures recently taken by the Government to 'improve victims' experiences [...] across the criminal justice process',<sup>6</sup> It is therefore critical that the nuances of post-separation abuse are accurately reflected in the Guidance.

To address this omission, we strongly suggest that the Home Office ensures the Guidance offers a definition of post-separation abuse, informed by specialist domestic abuse organisations, and further, illustrates the types of abuse which manifest post-separation.

***Recommendation to include greater recognition of survivors from marginalised communities and the specialist support to which they are entitled.***

We note that greater attention should be paid to the specific experiences of marginalised groups who are disproportionately impacted by communication barriers which underscore victims' experiences with the justice system.

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<sup>6</sup> This includes but is not limited to the: Domestic Abuse Act 2021; Victims' Bill; Tackling Domestic Abuse Plan; Tackling VAWG Strategy. The specific commitment quoted here is taken from the draft Victim's Bill





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Within the Violence Against Women and Girls (VAWG) sector we know that women and girls who are Black, minoritised, migrant, Deaf / disabled, refugee / asylum seeker / stateless, face difficult barriers in accessing services which they are entitled to. "A communication barrier is anything that prevents us from receiving and understanding the messages others use to convey their information, ideas and thoughts. They can interfere with or block the message you are trying to send."<sup>7</sup> Communication barriers continue serve as a primary obstacle to women's access to justice in cases of domestic abuse. These can include, but are not limited to:

- the lack of adequate translation services when supporting survivors for whom English is not their first language;
- failing to deliver information and resources in formats and languages for all survivors such as British Sign Language,
- timeframes of legislative and administrative processes which cannot accommodate for survivors who are/have:
  - o Deaf and hard of hearing
  - o Speakers of languages other than English
  - o Blind / visually impaired
  - o Communication impairments
  - o Learning Difficulties
  - o Autistic
  - o Neurodiverse
  - o Basic or no access to literacy

Ensuring that all survivors understand, and have access to, information about their rights and the nature of the process must be a priority for statutory agencies, and we strongly encourage the Home Office to explicitly encourage police forces and other statutory agencies in the Guidance, to make resources available to address these barriers.

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<sup>7</sup> Kumbakonam, Usha. (2016). Communication Barriers

