



Home Office

Controlling or Coercive Behaviour Statutory Guidance Consultation

Government response

April 2023

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Chapter 1 – Background to the consultation

1.1 Introduction

The public consultation on the draft Controlling or Coercive Behaviour Statutory Guidance launched on 30 April 2022 and ran for eight weeks, concluding on 25 June 2022. The consultation invited feedback from all interested stakeholders, including victims and users of support and prevention services.

We are grateful to all respondents and appreciate the time taken by a wide range of individuals, including those with personal experiences and organisations supporting victims and survivors, to provide their views. The Home Office has taken the time to carefully consider all of the views and opinions provided, noting the themes that have emerged from consultation responses.

This Government response to the consultation includes: a background to the extension of the controlling or coercive behaviour offence (**Chapter 1**); analysis of the consultation responses and a summary of key themes (**Chapter 2**); and next steps, including the upcoming legislative change to the offence (**Chapter 3**).

1.2 Controlling or coercive behaviour offence

Controlling or coercive behaviour is a pattern of abuse that occurs over a prolonged period of time, that causes fear of violence on two or more occasions, or serious alarm or distress which has a substantial adverse effect on the victim’s day-to-day activities. This enables a perpetrator to exert power, control or coercion over the victim. Controlling or coercive behaviour can also underpin a wide range of abuse, including economic, emotional and psychological abuse, technology-facilitated domestic abuse, as well as threats, whether or not they are accompanied by physical and sexual violence and abuse.

In recognition of the severe impact of such behaviour, section 76 of the [Serious Crime Act 2015](#) (the 2015 Act) introduced the criminal offence of controlling or coercive behaviour in an intimate or family relationship. The offence has a maximum penalty of five years’ imprisonment and/or an unlimited fine.

To support implementation of the new offence, in 2015, the Controlling or Coercive Behaviour Statutory Guidance was issued, under section 77 of the 2015 Act. The Guidance was aimed at statutory and non-statutory bodies working with victims, perpetrators and commissioning services, including the police, criminal justice and other agencies.

1.3 Domestic Abuse Act 2021 and the removal of the “living together” requirement for the controlling or coercive behaviour offence

On 29 April 2021, the Domestic Abuse Act 2021 (the 2021 Act) received Royal Assent. Section 1(3)(c) of the 2021 Act created a statutory definition of domestic abuse, which encompasses a range of abusive behaviours, including controlling or coercive behaviour. Section 2 of the 2021 Act defines the term “[personally connected](#)” for the purpose of the relationship criteria in section 1(2)(a) of the 2021 Act.

Under section 68 of the 2021 Act, the definition of “personally connected” was amended in section 76 of the 2015 Act. This removed the “living together” requirement for the controlling or coercive behaviour offence, which means that as of April 2023, the offence applies to intimate partners, ex-partners or family members, regardless of whether the victim and perpetrator live together.

The amendment was made to extend the offence in recognition that controlling or coercive behaviour can persist and often increase when a relationship ends, or in cases where the victim no longer lives with the perpetrator. The amendment to the controlling or coercive behaviour offence will not apply retrospectively.

1.4 Updated Controlling or Coercive Behaviour Statutory Guidance

To support implementation of the extended controlling or coercive behaviour offence, and to further assist statutory and non-statutory bodies working with victims, perpetrators and commissioning services, the Home Office has updated the Controlling or Coercive Behaviour Statutory Guidance.

Taking into account removal of the “living together” requirement for the controlling or coercive behaviour offence, the updated Statutory Guidance is intended to provide:

- Clear information on what constitutes controlling or coercive behaviour and how to identify the offence;
- Guidance to the police and other criminal justice agencies on circumstances where the offence will apply and where other offences might be considered;
- Guidance to the police and criminal justice agencies on the different types of evidence that can support in identifying, evidencing and charging the offence, and how this should support prosecutions and sentencing; and
- Information on reducing risk to the victim, including using protection orders; supporting the victim; and responding to the perpetrator’s behaviour.

Chapter 2 – Consultation analysis and summary of key themes

2.1 Summary of responses

The consultation on the updated draft Controlling or Coercive Behaviour Statutory Guidance ran for eight weeks from 30 April to 25 June 2022. Respondents had the option to respond to the consultation via an online consultation platform or by email.

The consultation received 115 formal consultation responses: 92 completed survey responses and 23 email responses. All responses have been analysed and given full consideration. **The Statutory Guidance has been reviewed and updated, taking into account the responses received.**

We are grateful to all respondents, particularly those with personal experience of abuse, who shared their experience with us.

2.2 Overview of respondents

A variety of organisations and individuals responded to this consultation. The majority of responses received were from individuals, rather than organisations. Responses were also received from service providers who support victims of Violence Against Women and Girls,¹ (VAWG) including specialist domestic abuse services, policing, local authorities, and community and faith groups.

The consultation invited respondents to answer a total of 15 questions. Questions 1-5 sought information about the individual or organisation responding to the consultation, which are summarised in the tables below. These are set out as follows:

Question 1 – Are you responding as an individual, as part of an organisation or on behalf of an organisation?

Question 2 – If you are responding on behalf of or as part of an organisation, what is the type of organisation?

Question 3 – What is the name of the organisation?

Question 4 – What is your email address?

Question 5 – From the list below, where are you or your organisation based?

Table 1 provides a breakdown of the consultation responses by type of respondent.

Table 1: Type of consultation respondent	Response Percent (of non-blank responses)	Response Total
An individual	25%	23
On behalf of an organisation	51%	47
As part of an organisation	24%	22

¹ The term 'violence against women and girls' refers to acts of violence or abuse that we know disproportionately affect women and girls. Crimes and behaviours covered by this term include rape and other sexual offences, domestic abuse, stalking, 'honour'-based abuse (including female genital mutilation, forced marriage, and 'honour' killings), as well as many others, including offences committed online. While the term 'violence against women and girls' is used this refers to all victims of these offences.

Total non-blank responses		92
Blank responses		23
Total responses		115

Table 2 provides a breakdown of the consultation responses by organisation, for those people who responded as part of or on behalf of an organisation.

Table 2: Type of organisation	Response Percent (of non-blank responses)	Response Total
English and Welsh local authorities	6%	4
Police forces	4%	3
Police and Crime Commissioners (PCCs)	7%	5
The Crown Prosecution Service (CPS)	0%	0
Children and Family Court Advisory and Support Service (Cafcass) and Cafcass Cymru	1%	1
Specialist domestic abuse and other violence against women and girls support services	45%	31
Local housing and homelessness teams, registered social landlords	6%	4
Early years, childcare, schools, colleges and higher education setting	4%	3
Children's social care providers	0%	0
Adult social care providers	1%	1
NHS England and NHS Improvement (from 2022, NHS England)	0%	0
Clinical Commissioning Groups (from 2022, Integrated Care Systems)	1%	1
NHS Trusts and NHS Foundation Trusts	6%	4
Employers	0%	0
HM Prison and Probation services	0%	0
HM Courts and Tribunals Service	0%	0
Jobcentre Plus	0%	0
Financial services (banks, building societies etc)	0%	0
Community and faith groups	3%	2
Other	14%	10
Total non-blank responses		92
Blank Responses		23
Total responses		115

Table 3 below provides a breakdown of the consultation responses by type of consultation respondent and by region where the individual or the organisation is based.

Table 3: Consultation respondent and region	An individual (response percent)	An individual (responses)	On behalf of an organisation (response percent)	On behalf of an organisation (responses)	Part of an organisation (response percent)	Part of an organisation (responses)	Total responses (percent)	Total Do
East Midlands	4%	1	4%	2	5%	1	4%	4
East of England	0%		2%	1	0%		1%	1
London	22%	5	23%	11	9%	2	20%	18
National	9%	2	26%	12	14%	3	18%	17
North East	13%	3	2%	1	18%	4	9%	8
North West	13%	3	6%	3	5%	1	8%	7
South East	13%	3	13%	6	9%	2	12%	11
South West	4%	1	4%	2	5%	1	4%	4
Wales	13%	3	13%	6	14%	3	13%	12
West Midlands	4%	1	0%		14%	3	4%	4
Yorkshire and The Humber	4%	1	6%	3	9%	2	7%	6
Blank responses								23
Total		23		47		22		115

2.3 Analysis methodology

The consultation was designed in a modular way to reflect each section in the draft Statutory Guidance and to allow respondents to focus on the areas of most interest or relevance to them.

The consultation sought both quantitative and qualitative feedback on the draft Statutory Guidance. The questionnaire allowed respondents to answer 'yes' or 'no' to each question, and free text boxes allowed respondents to provide narrative submissions and further evidence or case studies.

As well as the online questionnaire function, respondents were also able to submit substantive consultation responses or queries to a dedicated consultation inbox.

Both quantitative and qualitative analysis was used, in line with Government best practice.

Whilst the online consultation platform was able to generate numbers of yes/no responses to questions, each response was then manually analysed for qualitative views.

Key themes that emerged were noted via a series of ‘tags’. This methodology helped to draw out data emerging from the consultation in terms of the numbers of respondents expressing a particular view.

2.4 Summary of responses received

This section provides a summary of the consultation responses received. It does not attempt to capture all consultation feedback received, nor does it cover feedback on issues that fall outside the scope of this consultation. This feedback was used to inform revision of the Statutory Guidance.

This section also summarises changes the Government has made to the Statutory Guidance, following careful consideration of all consultation feedback.

Many additional issues were also helpfully raised. These fall outside of the scope of this consultation but are nevertheless relevant to domestic abuse and related harms, and have been summarised in *Chapter 2 – Additional key themes*.

Questions 6-18 were open-ended and sought information on the content and clarity of the draft Statutory Guidance. These are set out as follows:

Question 6 – Do you have any comments on Section 1 (‘Status and purpose of this guidance’) in terms of content or clarity? Write "No" if you do not have an opinion.

Question 7 – Do you have any comments on Section 2 (‘Criminal justice response’) in terms of content or clarity? Write "No" if you do not have an opinion.

Question 8 – Do you have any comments on Section 3 (‘The defence’) in terms of content or clarity? Write "No" if you do not have an opinion.

Question 9 – Do you have any comments on Section 4 (‘Criminal penalties and protection orders’) in terms of content or clarity? Write "No" if you do not have an opinion.

Question 10 – Do you have any comments on Section 5 (‘Multi-agency response’) in terms of content or clarity? Write "No" if you do not have an opinion.

Question 11 – Do you have any comments on Section 6 (‘Related harms, offences and other subsets of domestic abuse’) in terms of content or clarity? Write "No" if you do not have an opinion.

Question 12 – Do you have any comments on Section 7 (‘Related considerations’) in terms of content or clarity? Write "No" if you do not have an opinion.

Question 13 – Are there any other barriers faced by frontline agencies from recognising controlling or coercive behaviour? Write "No" if you do not have an opinion.

Question 14 – What are the most important things that the police and Crown Prosecution Service (CPS) should be aware of, and understand, when it comes to investigating controlling or coercive behaviour? Write "No" if you do not have an opinion.

Question 15 - Do you have any comments on if the guidance is clear in showing how economic abuse can be a form of controlling or coercive behaviour? Please enter "No" if you do not have an opinion.

It should be noted that respondents did not have to answer all of the above questions.

2.5 Key themes and issues

All answers to each question were reviewed and categorised ('tagged') under key themes for a thematic analysis. All responses have been analysed and the most recurring and pertinent issues raised are summarised as follows:

Controlling or coercive behaviour legislation
Frontline agency training and understanding of the offence
Differentiating between controlling or coercive behaviour and stalking or harassment
Family courts and child contact used to perpetrate abuse
Relationship between minority groups and controlling or coercive behaviour
Migrant victims of abuse
Sex
The defence for the controlling or coercive behaviour offence
Economic abuse
Post-separation abuse
Multi-agency response
The role of victim support services
Length and detail of the draft Statutory Guidance

In the following section we have used the terms "a large number" to refer to themes or comments that were overwhelmingly prevalent in the responses received and "some" to refer to comments that were raised to a lesser extent but in a considerable number of responses.

Controlling or coercive behaviour legislation

Consultation response

A large number of respondents welcomed the updated draft Statutory Guidance. Some consultation respondents raised concerns that the wording of the offence referring to “violence” could lead to misconceptions that physical violence had to be present for a charge of controlling or coercive behaviour to be considered. Recommendations were made that this should instead refer to “violent behaviour”. Concerns were also raised by some respondents that it was unclear what would constitute a “serious effect” or “substantial adverse effect” on someone’s day to day life, with too much of a focus on physically violent behaviour.

Government response

More detail and examples have been added around “serious effect” and “substantial adverse effect” in the Statutory Guidance to help clarify these terms, as well as signposting to the relevant Crown Prosecution Service (CPS) guidance. More examples of “violent behaviours”, as part of a pattern of controlling or coercive behaviour, has been included, as well as providing further clarification that physical violence does not have to be present to charge the offence of controlling or coercive behaviour.

Frontline agency training and understanding of the offence

Consultation response

While a large number of respondents welcomed the extension of the controlling or coercive behaviour offence through the Domestic Abuse Act 2021 to remove the “living together” requirement, concerns were raised by some that police would need to receive adequate training in order to identify the offence and to effectively support victims. Concerns were also raised that some police officers still tend to focus on physical abuse when responding to a call-out, and that not all officers have sufficient understanding of the controlling or coercive behaviour offence as it stands, particularly in identifying and evidencing a pattern of such abuse. These respondents felt that further training is required in this regard, as well as in relation to understanding and recognising domestic abuse more generally.

Some respondents also raised concerns about victims’ cases not being taken seriously by police or not being effectively investigated, often due to a lack of understanding of the nature of controlling or coercive behaviour and related harms.

A large number of respondents felt that trauma-informed training is key to understanding the different ways in which controlling or coercive behaviour can manifest itself and the impact it can have on the victim and their family.

It was also clear from consultation feedback that different existing multi-agency risk assessment approaches were an important means for statutory and non-statutory bodies to support victims and their families, manage perpetrators, and share best practice and learning.

Government response

As set out in the updated Statutory Guidance, His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) have recommended that

police officers should receive training to develop their understanding of, and ability to recognise controlling or coercive behaviour.

We continue to work closely with the College of Policing to encourage take up of the Domestic Abuse Matters training programme and we will continue to work with the police and other operational partners to ensure that enforcement bodies understand how to apply the amended legislation on controlling or coercive behaviour.

To support this work, the Government's 2022 Tackling Domestic Abuse Plan commits up to £3.3 million to support the rollout of Domestic Abuse Matters training to police forces which have yet to deliver it, or do not have their own specific domestic abuse training. Controlling or coercive behaviour is covered extensively in this training, with a 2020 evaluation of the programme showing a 41% increase in arrests for the offence associated with the training.

Effective multi-agency co-ordination is vital to ensuring that the legislative changes are implemented successfully, and we will continue to work with the voluntary support sector and other frontline agencies to improve the response to domestic abuse.

Differentiating between controlling or coercive behaviour and stalking or harassment

Consultation response

Whilst a large number of consultation respondents welcomed the amendment to the controlling or coercive behaviour offence, some concerns were raised in relation to how police and prosecutors would differentiate stalking behaviour from controlling or coercive behaviour in post-separation contexts. Some respondents argued that as the offences of controlling or coercive behaviour and stalking, as well as harassment, all need to meet some of the same evidential thresholds (that is to say, they can involve a course of conduct, or pattern of behaviour which causes someone to fear that violence will be used against them on at least two occasions, or which causes them serious alarm or distress to the extent it has a substantial adverse effect on their day-to-day activities), there is a risk police may mis-charge perpetrators with the incorrect offence.

It was also noted by some respondents that whilst both stalking and controlling or coercive behaviour (and indeed other forms of domestic abuse) can be associated with a risk of escalation to homicide; this association is stronger for stalking. There were therefore concerns that high-risk stalking cases may inadvertently be charged as controlling or coercive behaviour offences, and that victims and perpetrators might not therefore be appropriately risk assessed and managed.

As such, these respondents sought further clarity in Statutory Guidance and through training, on how to distinguish between stalking, harassment and controlling or coercive behaviour offences.

Government response

In updating the Crown Prosecution Service (CPS) [Controlling or Coercive Behaviour in an Intimate or Family Relationship Legal Guidance](#) through working with Government, the police and sector experts, the CPS have developed further guidance on when to charge stalking, harassment or controlling or coercive behaviour.

The set of principles is intended to assist police and prosecutors in distinguishing between the three offences. These principles have been reflected in the Home Office's updated Controlling or Coercive Behaviour Statutory Guidance, published alongside this response.

Additional guidance can be found in the CPS legal guidance on [controlling or coercive behaviour in an intimate or family relationship](#) and in CPS legal guidance on [stalking and harassment](#).

Family courts and child contact used to perpetrate abuse

Consultation response

A large number of consultation responses raised that perpetrators of domestic abuse may use the family court to continue abusing victims and their children. Examples given included false allegations against the non-abusive parent, perpetrators requesting unnecessary and vexatious court hearings, and using the court as a means to continue unwanted contact with the victim through correspondence and hearings. Concerns were also raised that a "pro-contact" culture means that children may be forced to have contact with a perpetrator, when this could pose safety concerns. Respondents also noted that the family court process can discourage victims of controlling or coercive behaviour and domestic abuse more generally from disclosing abuse due to concerns about being seen as obstructive, or that domestic abuse in the parental relationship, is seen to be "irrelevant" to the relationship with a perpetrator and the child.

Government response

In June 2020, the Ministry of Justice's expert panel published their report 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases'.² In this report, evidence was presented suggesting that perpetrators sometimes use family court proceedings as a means of continuing their abuse.

In the Government's Implementation Plan,³ a commitment was made to explore how the law could be clarified in respect of section 91(14) orders in domestic abuse circumstances. An order under section 91(14) of the Children Act 1989 ('the 1989 Act') (also known as a barring order) can be made by the court to require individuals to seek permission before they can apply again for particular orders.

² [Ministry of Justice \(2020\) Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report](#)

³ [Ministry of Justice \(2020\) Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Implementation Plan](#).

A change was subsequently brought in as part of the Domestic Abuse Act (2021). Section 67 of the Domestic Abuse Act inserted new section 91A into the Children Act 1989 to make further provision about section 91(14) orders. This change makes it clearer that these orders are available to parents and children to protect them where further proceedings would risk causing them harm, particularly where proceedings could be a form of continuing domestic abuse. A new Practice Direction, PD12Q, was also brought in to accompany this change; it includes specific reference to controlling and coercive behaviour, and other situations, that may merit the court making a section 91(14) order.

The expert panel's report also presented evidence that the presumption of parental involvement "detracted from the focus on a child's welfare and safety – causing harm to children in some cases" and recommended that an urgent review of the presumption be undertaken by the government. Concerns were raised by the panel that the presumption supported a pro-contact culture, with the need for parental involvement being placed ahead of consideration of the potential risk of harm to a child.

In November 2020, the government announced the launch of a review into the presumption of parental involvement. The review is focussed on the application of the presumption and the statutory exception in cases where there is an allegation or other evidence to suggest that parental involvement will put the child at risk of harm.

This is an important and complex issue; therefore, we want to ensure that any recommendations are based on a solid and thorough understanding of the ways the presumption is currently applied, and how this affects both parents and children.

The review will be published later this year.

Parental alienation

Consultation response

The concept of "parental alienation" was also raised in consultation responses. Some respondents wanted the term "parental alienation" to be explicitly included in the Statutory Guidance, while other respondents denounced "parental alienation" as a term and called for accusations of "parental alienation" by perpetrators to be included as an example of controlling or coercive behaviour.

Government response

There is no official or commonly accepted definition of "parental alienation". The term "parental alienation" has not been included in the Controlling or Coercive Behaviour Statutory Guidance, in line with the approach taken in the Domestic Abuse Statutory Guidance. For further detail on the government's position on 'parental alienation', please refer to the [Domestic Abuse Statutory Guidance Government Consultation Response](#).

Relationship between minority groups and controlling or coercive behaviour

Consultation response

A large number of consultation responses highlighted that those from minority backgrounds may be more vulnerable to controlling or coercive behaviour, due to societal inequalities and difficulties in accessing mainstream services, and this may also be used to perpetrate abuse and prevent victims from seeking help. These factors were also raised in the context of the need for cultural competency training for police, including the Valerie's Law petition, perceptions that institutional racism can lead to victims feeling unsupported by services, and communication barriers being exploited by perpetrators and misunderstood by agencies.

Government response

The Government is clear that domestic abuse can affect anyone, and a "one size fits all" approach is not appropriate. It is also important to note the specific issues minority victims face and the need to ensure they receive the appropriate support from those with the necessary skills and experience. In July 2022, the Government published the Domestic Abuse Statutory Guidance which further supports frontline services in recognising unique barriers and experiences that some victims, including those with protected characteristic and/or complex needs, may face when identifying and responding to domestic abuse.

In March 2022, the Government published the Tackling Domestic Abuse Plan, which invests over £230 million of new funding to tackle domestic abuse, with over £140 million to support victims. This includes over £47 million in ringfenced funding for victims' services. The Domestic Abuse Plan also commits, where possible, to offering multi-year awards to funding to organisations supporting victims and survivors of domestic abuse and to support smaller organisations, including 'by and for' services.⁴ This is so that organisations can better plan for the future and build capacity to support even more victims.

In March 2022, the Government also published updated versions of the National Statement of Expectations and accompanying VAWG Commissioning Toolkit, which provide guidance for local areas on how to commission effective support services for victims of VAWG.

The new documents place further emphasis on the importance of commissioning 'by and for' and specialist services and working with specialist VAWG organisations to understand what services are required at a local level.

Migrant victims of abuse

Consultation response

A large number of respondents asked for the draft Statutory Guidance to place greater focus on migrant victims of abuse, including the language and other barriers they may face, and how perpetrators may use insecure immigration status as a tool of coercion and control over victims. There were also calls to strengthen the draft

⁴ 'By and for' services are specialist services that are led, designed and delivered by and for the users and communities they aim to serve (for example survivors from ethnic minority backgrounds, deaf and disabled victims and LGBT victims).

Statutory Guidance with further examples of such abuse, including through case studies.

Government response

We have sought to reflect this feedback throughout the Statutory Guidance, which outlines how perpetrators may use a victim's immigration status as a tool for controlling or coercive behaviour, with examples included of such abuse, such as withholding passport or visa documents, deliberately using the immigration system to control and threaten a victim, or sabotaging attempts to regularise the victim's immigration status. The Domestic Abuse Statutory Guidance was published in July 2022, after the consultation on the draft Controlling or Coercive Behaviour Statutory Guidance, containing a detailed section on migrant victims which to the Controlling or Coercive Behaviour Statutory Guidance references and signposts to.

Data-sharing "firewall"

Consultation response

Some respondents recommended the establishment of a data-sharing "firewall" between police and Immigration Enforcement for victims and witnesses. Some respondents raised concerns that in the absence of such arrangements, some victims may be deterred from reporting crime by a fear that immigration enforcement action may be taken against them.

Government response

While these recommendations fall outside of the scope of the consultation, the Government has noted and recognises these concerns. Our position remains that when a crime is committed, our immediate priority is always the welfare of the victim, irrespective of their immigration status. All victims should be free to report crimes without fear and it is in the interests of the general public for all crimes to be fully investigated.

For these reasons the UK Government committed to introducing a Migrant Victim Protocol to provide assurance that migrant victims have protection from immigration enforcement action while they report crime.

Alongside the development of the Migrant Victim Protocol, the Government is also developing a Code of Practice relating to the sharing of personal data of victims of domestic abuse subject to immigration control between the police and the Home Office.

Sex

Consultation response

In relation to sex, consultation responses varied, with some respondents noting that the draft Statutory Guidance placed enough emphasis on domestic abuse, including controlling or coercive behaviour, disproportionately affecting women and girls. Some respondents requested more references in the Statutory Guidance to men and

boys being victims of domestic abuse, and some suggested an approach that was not sex-specific. Some respondents also raised concerns that because existing crime statistics provide a gender breakdown of domestic abuse, this may dissuade male victims from reporting such abuse, as well as creating additional institutional barriers for male victims accessing support and a criminal justice response.

Government response

In line with the requirement under section 84(3) of the Domestic Abuse Act 2021, the Controlling or Coercive Behaviour Statutory Guidance seeks to take into account, so far as is relevant, that the majority of victims of domestic abuse in England and Wales are female. The Crime Survey for England and Wales for the year ending March 2022 estimated that 6.9% of women and 3% of men aged 16 and above experienced domestic abuse in the previous year. According to the survey, around three out of ten (29.3%) women and one in seven (14.1%) aged 16 and over had been a victim of domestic abuse in their lifetime.⁵ The majority of domestic homicide victims are also women. Survey data for the year ending March 2019 to 2022 showed that 269 women were killed in domestic homicides, and in 97% of cases the suspect was male.

The Controlling or Coercive Behaviour Statutory Guidance refers to how different systemic, environmental and cultural barriers can impact groups of victims, including men and boys, and how male victims may be less likely to disclose that they are being abused or indeed to recognise they are victims of abuse. The Controlling or Coercive Behaviour Statutory Guidance also signposts to the Domestic Abuse Statutory Guidance which makes clear that domestic abuse is underreported, and professionals should be aware that male victims may have concerns about not being believed. Both the Controlling or Coercive Behaviour Statutory Guidance and Domestic Abuse Statutory Guidance encourage frontline professionals and practitioners to consider how to respond appropriately in all cases of abuse, and to be aware of the different experiences and needs of victims. Both pieces of guidance also outline how domestic abuse can affect anyone, regardless of age, disability, gender identity, gender reassignment, race, religion or belief, sex, or sexual orientation.

The defence for the controlling or coercive behaviour offence

Consultation response

Some consultation responses raised concerns in relation to how the legislation and guidance outlined in *Section 3 (The defence)* could be used by perpetrators to manipulate the justice system to avoid prosecution for controlling or coercive behaviour. Some respondents felt that as the defence relates to acting in the “best interest” of the victim, this could disproportionately be used as a means to defend controlling or coercive behaviour perpetrated towards vulnerable people (e.g. the elderly, disabled, or those affected by mental health issues or substance misuse).

⁵ ONS 2022. [Domestic abuse prevalence and trends, England and Wales - Office for National Statistics \(ons.gov.uk\)](https://ons.gov.uk/domestic-abuse-prevalence-and-trends-england-and-wales).

Government response

In response to consultation feedback, the Statutory Guidance now includes further detail in *Section 2 (Perpetrator tactics)*, including how perpetrators can exploit a victim's vulnerabilities and manipulate professionals. *Section 3 (The defence)* of the Statutory Guidance has also been expanded to include further information on the Mental Capacity Act 2005 and the need for a multi-agency approach in cases where capacity, or acting in someone's "best interest", is a factor.

The Statutory Guidance also highlights the importance of using professional curiosity when supporting victims of controlling or coercive behaviour, and further wording has been added to make clear that if the defence of acting in someone's best interests is put forward, further investigation is needed. This can include engaging with any professionals involved in an individual's care and, if professionals are not involved, considering why this may not be the case.

The Government was concerned by the evidence presented by peers and the disability sector during the passage of the Domestic Abuse Act 2021 in relation to the existing measures to protect and support victims of abuse by people providing them care. The Government is now reviewing existing protections for adults abused in their own homes by people providing their care, and the support available to victims of such abuse. The [Terms of Reference](#) for the Safe Care at Home review were published in February 2022. The review is being conducted by Home Office and Department for Health and Social Care. The review team are engaging with a range of stakeholders, collecting inputs from groups representing deaf and disabled people and carers to understand their personal experiences. They are also speaking to experts involved in delivery, including local authorities and social work professionals, police and other Government departments. The review will not limit the view of what constitutes abuse or neglect, as these can take many forms including physical abuse; sexual abuse; financial abuse/exploitation; discriminatory abuse; psychological abuse; controlling or coercive behaviour; and neglect.

Economic abuse

Consultation response

A large number of consultation responses welcomed the emphasis on economic abuse as a part of a pattern of controlling or coercive behaviour, as well as the dedicated section on this form of abuse. Some consultation responses sought further clarification on some aspects of the draft Statutory Guidance referencing economic abuse, and some responses also outlined how economic abuse can be a common form of post-separation abuse and how this may be a means for perpetrators to continue exerting control over victims when the relationship has ended. Some respondents called for the police and CPS to better understand that economic abuse is often perpetrated alongside other forms of abuse, controlling or coercive behaviour and domestic abuse more generally, and reinforces these related harms. Some respondents advocated for economic abuse to be routinely included within the criminal justice system's consideration of all other abuse, instead of only considering

it as separate conduct, such as being charged for financial or economic wrongdoing only.

Some consultation responses also raised concerns about some of the economic abuse case studies provided in the draft Statutory Guidance as being a matter for the civil court and not a criminal court.

Government response

To reflect this feedback, the economic abuse section in the Statutory Guidance has been expanded and a new post-separation abuse section has also been added.

Tackling domestic abuse is a priority for the Government and improving the response to economic abuse is integral to this. To further support these efforts, the cross-Government 2022 Tackling Domestic Abuse Plan is doubling funding for the response to economic abuse to provide vital support and economic safety for victims and survivors.

In response to concerns raised by some respondents that some of the economic abuse examples being provided as being a matter for the civil court and a criminal court, further examples have been clarified. The Statutory Guidance is also clear that these examples may form part of a wider pattern of controlling or coercive behaviour and should not be viewed in isolation.

Post-separation abuse

Consultation response

As the amendment to the controlling or coercive behaviour offence will help to better capture post-separation abuse, some consultation responses called for more information on this form of abuse, and in the context of how the family courts are also used to perpetrate such abuse.

Government response

Post-separation abuse may involve a range of abusive behaviours that continue or start, despite a relationship having ended, and without effective intervention, may continue over a long period and escalate. The updated Statutory Guidance now includes a dedicated section on post-separation abuse and associated risks (*Section 6*), including in the context of how perpetrators may use the family courts to commit such abuse (including stalking, harassment and economic abuse). Further information on orders under section 91(14) of the Children Act 1989, which can be made in these cases, has also been included.

Multi-agency response

Consultation response

Concerns were raised by some respondents that whilst this Statutory Guidance promotes multi-agency working in cases of controlling or coercive behaviour and domestic abuse more generally, this is not always happening in practice. Some responses also called for mandatory domestic abuse training for anyone working with victims.

Government response

Whilst it is not possible to mandate training through the Statutory Guidance, it provides information on how to reduce the risk of harm to and support the victim and their family; including how other agencies and support services can assist. The Controlling or Coercive Behaviour Statutory Guidance is intended to be read alongside the Domestic Abuse Statutory Guidance which encourages best practice, articulates statutory duties and responsibilities for services and signposts further relevant sources of information or support.

The role of victim support services

Consultation response

Concerns were raised by some respondents that the draft Statutory Guidance did place enough emphasis on the range of support domestic abuse services can provide, beyond helping victims to engage with the criminal justice system.

Government response

The Statutory Guidance has been updated with further information on the range of support that domestic abuse services can offer and outlines how victims may still seek support from these services, even if they do not wish to engage with criminal justice system. Since the draft Statutory Guidance was published for consultation, the finalised Domestic Abuse Statutory Guidance was published in July 2022. This guidance is signposted throughout the Controlling or Coercive Behaviour Statutory Guidance and includes more detail on multi-agency response and the role of support services. The Controlling or Coercive Behaviour Statutory Guidance also includes an annex with contact details for a range of support services.

Length and detail of the draft Statutory Guidance

Consultation response

A large number of respondents provided positive feedback on the inclusion of related considerations (such as sex, age, race) that can create additional barriers to accessing services and support if they are not adequately designed to meet a victim's specific needs. However, some respondents called for more detail to be added to this section of the draft Statutory Guidance. Other respondents raised concerns that the draft Statutory Guidance was too long, and some of these respondents were of the view that the length might make the guidance inaccessible for certain users, or that it would not be utilised by those it is aimed at.

Government response

In its draft form published for consultation in April 2022, the Controlling or Coercive Behaviour Guidance contained wording in *Section 7 (Related Considerations)* and the risk assessment sub-header in *Section 2 (Criminal Justice Response)* that duplicated sections in the draft Domestic Abuse Statutory Guidance, also published for consultation in 2021, as well as widely available College of Policing guidance.

As the Controlling or Coercive Behaviour Statutory Guidance is intended to be read alongside the Domestic Abuse Statutory Guidance, as outlined in the Executive Summary, these duplicated sections have now been removed to address concerns that the draft Statutory Guidance was too long. Where sections have been removed from the Controlling or Coercive Behaviour Statutory Guidance, these are now signposted to the Domestic Abuse Statutory Guidance.

Chapter 3 – Conclusion, next steps and contact details

3.1 Conclusion and next steps

We would like to thank all those who responded to the Controlling or Coercive Behaviour Statutory Guidance consultation and contributed to the redrafting to take into account the amendment of the offence, which came into force in April 2023. From the responses received, there was an overall consensus supporting our current approach, however, there were a number of areas highlighted where the guidance could be strengthened, particularly by clarifying behaviours that are within the range of controlling or coercive behaviour, differentiating controlling or coercive behaviour from other offences and ensuring that all victim groups are represented in the guidance.

Taking the consultation responses into account, we have updated the Controlling or Coercive Behaviour Statutory Guidance which was published on GOV.UK in April 2023, alongside this Government response to the consultation. We will continue to work with the frontline agencies to improve their understanding and response to the controlling or coercive behaviour offence and the support provided to victims.

The Controlling or Coercive Behaviour Statutory Guidance is intended to be read alongside the [Domestic Abuse Statutory Guidance](#), the [Violence Against Women, Domestic Abuse and Sexual Violence \(Wales\) Act 2015](#) and the Welsh Government [National Strategy on Violence against Women, Domestic Abuse and Sexual Violence](#).

The 2021 Act and the accompanying Domestic Abuse Statutory Guidance forms part of the action this Government is taking to transform the response to domestic abuse and violence against women and girls. In 2021, the Government published the [Tackling Violence Against Women and Girls \(VAWG\) Strategy](#) which in 2022 was followed by the [Tackling Domestic Abuse Plan](#) and a [Position Statement on Male Victims of crimes considered in the cross-Government Tackling Violence Against Women and Girls Strategy and the Tackling Domestic Abuse Plan](#).

The Tackling Domestic Abuse Plan sets out the detail on the range of measures the Government is taking to enable the whole system to operate with greater coordination and effectiveness. This Plan invests over £230.7 million of new funding into tackling domestic abuse, including further support for victims and survivors, tackling perpetrators, improving healthcare professionals' abilities to spot, support and refer victims, and expanding the rollout of the Domestic Abuse Matters training for police officers.

The Tackling VAWG Strategy and Tackling Domestic Abuse Plan are supported by a refreshed [National Statement of Expectations](#), which provides clear and consistent guidance for local areas on how to commission support services for victims and survivors of all forms of violence against women and girls.

We would like to once again thank all individuals and organisations who have taken the time to submit their views and evidence to further inform the development of the updated Controlling or Coercive Behaviour Statutory Guidance.

3.2 Contact details

For any queries related to the Government response to the Controlling or Coercive Behaviour Statutory Guidance consultation, please contact:

Domestic Abuse Policy Team

Interpersonal Abuse Unit
5th Floor, Fry Building
Home Office
2 Marsham Street
London, SW1P 4DF

VAWGENquiries@homeoffice.gov.uk

Annex A – Glossary of acronyms

- **Cafcass** – Children and Family Court Advisory and Support Service
- **CPS** – Crown Prosecution Service
- **HMICFRS** – His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services
- **PCC** – Police and Crime Commissioner
- **The 2015 Act** – The Serious Crime Act 2015
- **The 2021 Act** – The Domestic Abuse Act 2021
- **VAWG** – Violence Against Women and Girls