Coercive & Controlling Behaviour- How the law can protect you? What about false allegations?

There is a common perception that abusive behaviours involve physical abuse, however if you are a fan of Soaps, you will be aware of the recent storylines, which involve coercive control and other forms of domestic abuse, including emotional, psychological, verbal, sexual and financial abuse.

It has been reported that fictional drama has had a positive effect on victims who may recognise elements of their own situations and feel empowered to seek help. Hence in this week's Emmerdale, the storyline of Tom and Belle's relationship has grasped the nation. Everyone has been on edge, waiting to see if Belle manages to escape the domestic abuse and coercive control perpetrated by her husband.

Storylines involving abuse, chime grimly with a surge of callers seeking support from various domestic abuse helplines. By raising awareness of domestic abuse, controlling and coercive behaviour, TV programmes are supporting the clear message that it is wholly unacceptable to behave in such a manner.

Also according to the Office of National Statistics, there were 43,774 offences of coercive control recorded by the police in England and Wales in 2023.

What is 'Domestic'?

The term domestic refers to those in an intimate relationship, including partners, cohabitees and family members regardless of gender or sexuality.

What is 'Domestic Abuse'?

There is no legal definition of domestic abuse, however the Government's definition of domestic abuse is: "*Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional).*"

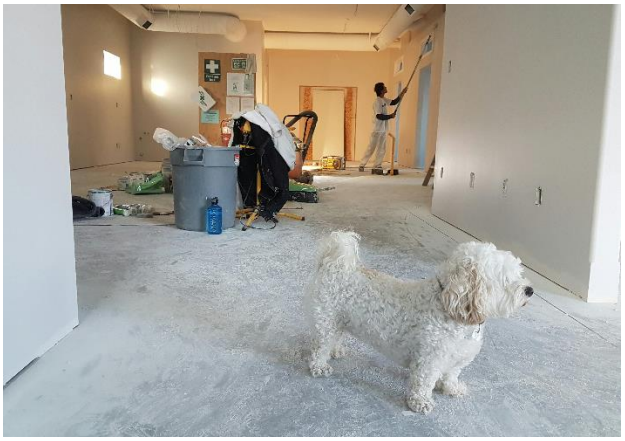
What is 'Coercive and Controlling Behaviour'?

Pursuant to the Family Procedure Rules 2010, Practice Directions 12J [PD12J], coercive control means "a*n act, or pattern of acts, of assault, threats, humiliation and*

intimidation or other abuse that is used to harm, punish or frighten the victim;" and

Controlling behaviour means *"an act or pattern 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.*

Whilst many may recognise physical or verbal abuse, coercive control is not always so visible. Its very nature also offers the opportunity for an abuser to define the behaviour in other ways. It can be practised in a hidden and subtle manner. A perpetrator will often use coercive control in an attempt to make the victim dependent on them. The perpetrator's coercive control can often manifest itself in the following ways as per the statutory guidance published by the Home Office pursuant to Section 77[1] of the Serious Crime Act 2015:



- *"Isolating a person from their friends and family*
- *Depriving them of their basic needs*
- *Monitoring their time*
- *Monitoring a person via online communication tools or using spyware*
- *Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep*
- *Depriving them access to support services, such as specialist support or medical services*
- *Repeatedly putting them down such as telling them they are worthless*
- *Enforcing rules and activity which humiliate, degrade or dehumanise the victim*
- *Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities*
- *Financial abuse including control of finances, such as only allowing a person a punitive allowance*
- *Control ability to go to school or place of study*
- *Taking wages, benefits or allowances*
- *Threats to hurt or kill*
- *Threats to harm a child*
- *Threats to reveal or publish private information (e.g. threatening to 'out' someone)*
- *Threats to hurt or physically harming a family pet*
- *Assault*

- *Criminal damage (such as destruction of household goods)*
- *Preventing a person from having access to transport or from working*
- *Preventing a person from being able to attend school, college or University*
- *Family 'dishonour'*
- *Reputational damage*
- *Disclosure of sexual orientation*
- *Disclosure of HIV status or other medical condition,"* this list is not exhaustive.

Most often victims experiencing or suffering domestic abuse and coercive control do not immediately recognise that they are victims of abuse and can find themselves feeling trapped, isolated and unable to reach out for support. Some victims often believe their relationship is '*normal*' and that their partner behaves in such a manner as they really care about them.

Coercive control has long been recognised as a form of domestic abuse. However, it is arguably largely under-reported in case law within family law proceedings. The judgement of F v M [2021] EWFC 4 is notable as the first reported case which considers allegations of coercive control and controlling behaviour.

The case involved a vulnerable young woman who was manipulated, coerced and controlled to a significant degree. The Judge highlighted that coercion is unlikely to be an isolated incident and will always involve a pattern of acts which can illuminate how sinister this form of abuse can be. The Judge also considered how the court learns about the behaviour- what paperwork does the victim have to deliver to the court? The court helpfully noted that some of the more basic forms of documentation may be inappropriate and the court must consider the full history of the relationship in order to fully appreciate the pattern of behaviour and harm caused. We support and endorse this view as in our long experience of assisting in such cases, the quality of the coercive, abusive controlling nature of the relationship cannot be expressed in a few short allegations.

What to do if you think you or someone else is being controlled?

If the victim is in immediate danger then they should call the police immediately on 999.

After calling the police, consider seeking urgent legal advice from a family solicitor and/or a domestic abuse helpline.

What about False Allegations: is this a form of abuse?

If you are the victim of false allegations, it can be extremely difficult to accept the impact this has on you, and how it might

escalate if it continues unabated. We can advise you if you are caught in this situation.

Clare's Law: the Domestic Violence Disclosure Scheme

If you have concerns about a partner, ex-partner or the current or ex-partner of a friend or relative because they may have a history of abuse and are a risk to you then under **Clare's Law**, you can ask the police to give information that may be relevant including if they have a record of any abusive offences or if there are any risks of violence or abuse. This scheme came about as a result of a campaign by Clare Wood's father. Clare was murdered by her ex-boyfriend due to this lack of knowledge.

How Family Lawyers Can Help

Coercive control is a crime under the Serious Crime Act 2015. It is also taken very seriously in Family Law Court. The Family Court can offer protection in the form of a Non-Molestation Order. This gives the victim protection from the perpetrator, i.e. the order may forbid the perpetrator from contacting the victim directly and/or indirectly. If the victim and the perpetrator live together, the victim may also seek an Occupation Order, which can force the perpetrator to vacate the former family home.

It can be difficult for victims to access help and support and if you require further advice or assistance then do not hesitate to contact our Family Law Department at FamilyPrivate@hmbsolicitors.co.uk or on 020 7272 1234.

Making the initial phone call is a difficult step. You may be anxious about who will pick up the call, will you get the necessary advice and recognition of the dangers you are in, and the help you need to navigate out of what can seem like a nightmare situation. You will find us to be sympathetic, professional and we recognise how hard a situation is to navigate and escape. We are a team of specialist family lawyers who are here to offer support and guidance. In some situations, we can also offer legal aid.

Serena Sandhu, Director and Specialist Family Solicitor and Elly Bradford, Trainee Solicitor

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