

**Clinks' response to the Home Office's
strengthening the law on domestic abuse consultation
October 2014**

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working with offenders and their families. Our aim is to ensure the sector and those with whom it works, are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, and to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 600 members including the sector's largest providers as well as its smallest, and our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we are in contact with over 12,000 individuals and agencies with an interest in the Criminal Justice System (CJS) and the role of the voluntary sector in the resettlement and rehabilitation of offenders.

About this response

Clinks welcomes the opportunity to respond to this consultation, brought by the Home Office, that seeks views as to whether the law on domestic abuse needs to be strengthened by creating a specific offence to cover coercive and controlling behaviour in intimate relationships. We were pleased to see, and are supportive of, the Government's decision in March 2013 to expand the definition of domestic abuse to capture non-violent behaviour.

Clinks is committed to highlighting the specific needs of female offenders and to provide support to the organisations who work with them. In 2012 we facilitated a task and finish group paper entitled *Breaking the Cycle of women's offending: a system re-design*. The group was convened to develop a concrete set of cost-effective recommendations to meet the complex needs of girls and women who are at risk of offending. This paper explicitly highlights that 'evidence strongly indicates that histories of sexual abuse in childhood are closely linked to experiences of domestic violence in adulthood and that both are significant risk factors in terms of women's offending'¹.

¹ Clinks (2012) *Breaking the Cycle of women's offending: a system of re-design*, Online: <http://www.clinks.org/rr3#Task%20and%20Finish%20Group%20papers> [last accessed 08.10.2014]

Domestic abuse and women's offending

There is a plethora of evidence that demonstrates the high levels of female offenders who have experienced domestic abuse, including coercive control; the Corston Report shows that 46% of women in prison report having suffered a history of domestic abuse.²

However, the evidence also suggests that this experience can be a causative factor in their offending behaviour. It is established that most women who enter the CJS have committed acquisitive crimes, and that many have experienced long-term poverty and debt.³ As Clinks recently summarised in its briefing on the relationship between debt and women's offending, these financial pressures can interact with women's relationships to increase their risk of offending.⁴ The National Offender Management Service (NOMS) highlights that 'women may be under pressure as parents, or from partners, to provide for their families and thus may perceive theft/fraud or sex work as means of survival.'⁵

This is supported by a Joint Inspectorate report that states women's offending is typified by crimes including benefit fraud and shoplifting which can be driven by the woman's need to support her family. The report goes on to show a perception, from judges in particular, that a woman's offending is 'bound up with her domestic situation' such as poverty and/or relationships and abuse.⁶

Yet the relationship between experiencing domestic violence and female offending remains complex. Although it can be direct, as in the examples above, at times it can also be indirect; for example, leading to a decline in a woman's mental health, or a relapse into dependence on drugs or alcohol, which can then lead to offending. The Prison Reform Trust gives the following example: 'Becoming involved in an abusive relationship, for example, may lead to self-medication as a means of escape and the subsequent development of drug and/or alcohol addiction. If the woman has a job then she may lose it as a result of her addiction and turn to crime, such as minor theft or prostitution, to continue supporting it.'⁷

² Baroness Corston (2007) *A Review of Women with Particular Vulnerabilities in the Criminal Justice System*, Online: <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf> [Last accessed 09.10.2014].

³ Criminal Justice Joint Inspection (2011) *Thematic Inspection Report: Equal but different? An inspection of the use of alternatives to custody for women offenders*, Online: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/joint-thematic/womens-thematic-alternatives-to-custody-2011.pdf> [last accessed 14.10.2014]

⁴ Clinks (2014) *Clinks briefing about the nature of the relationship between debt and women's offending*, Online: http://www.clinks.org/sites/default/files/basic/files-downloads/Members%20Briefing%20-Relationship%20between%20debt%20and%20female%20offendingFINAL_0.pdf [last accessed 14.10.2014]

⁵ National Offender Management Service (2012:35) *A distinct approach: A guide to working with women offenders*, Online: <http://www.justice.gov.uk/downloads/publications/noms/2012/guide-working-with-women-offenders.pdf> [last accessed 14.10.2014]

⁶ Criminal Justice Joint Inspection (2011) *Thematic Inspection Report: Equal but different? An inspection of the use of alternatives to custody for women offenders*, Online: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/joint-thematic/womens-thematic-alternatives-to-custody-2011.pdf> [last accessed 14.10.2014]

⁷ Prison Reform Trust (2011) *Reforming women's justice: final report of the Women's Justice Taskforce*, Online: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women's%20Justice%20Taskforce%20Report.pdf> [last accessed 08.10.2014].

Women with multiple needs

Clinks is one of the four partners in the Making Every Adult Matter (MEAM) Coalition, which was formed to influence policy and services for adults facing multiple needs and exclusions.⁸ The MEAM coalition defines people with multiple needs as those:

- Experiencing several problems at the same time
- Having ineffective contact with services
- Living chaotic lives⁹

Women who are facing multiple needs or disadvantages 'often lead chaotic and complex lives. At any time, they may be dealing with a combination of one or more issues such as domestic violence, offending behaviour, physical and mental illness, substance misuse, unemployment or homelessness.'¹⁰

Services for survivors

Given this level of evidence about the connection between experiencing abuse and women's offending, it is therefore important for government to recognise that many female offenders are also victims, and that it is essential that they have access to gender-specific services to support them on their journey to desistance.¹¹ The current consultation rightly notes that non-physical domestic abuse still has the potential to seriously affect women's lives, but in order to ensure consistency, it is surely essential that this be reflected not only in the law, but also in service provision.

Clinks' recent research tracked the experiences of nine organisations which support women in the Criminal Justice System (CJS), from both the voluntary and statutory sector. It found that for many projects their funding situation was unstable, and for some projects and/or organisations their immediate as well as their long term security remains a key issue. Although 'the ongoing uncertainty regarding the future of funding is almost part of the fabric of delivering female offender services', many participants felt that the instability and uncertainty their projects were facing highlights a slowing down in the strategic movement since the Corston Review.¹²

The Ministry of Justice obviously has a crucial role to play in ensuring that specialist services for survivors of domestic abuse are in place as part of the current Transforming Rehabilitation changes to rehabilitation services, and so we hope to see the Home Office liaise with them to ensure that non-violent abuse is recognised and prioritised across both departments. We also believe that the Home Office should work with police and crime commissioners and local authorities to ensure that there are services in place locally to support survivors of domestic abuse in all its forms, including where it is non-physical.

In addition, one of the five recommendations from Clinks' *Who cares?* report outlines the need to ensure the creation of 'mandatory champions for gender specific services in local and national

⁸ The other three members of the MEAM coalition include Drugscope, Homeless Link and Mind.

⁹ For more information, please visit: <http://meam.org.uk/multiple-needs-and-exclusions/>

¹⁰ WomenCentre (2014) *Showcasing Women Centred Solutions*, Online: <http://www.womencentredworking.com/> [last accessed 09.10.2014]

¹¹ Desistance is a highly individualised process, experienced differently by different people and is very likely to involve an individual relapsing, before they stop offending altogether

¹² Clinks (2014) *Who cares? Where next for women offender services?*, Online: <http://www.clinks.org/resources-reports/who-cares-where-next-women-offender-services> [last accessed 14.10.2014].

commissioning bodies.’¹³ This is to ensure that commissioners take into consideration the unique needs of women when commissioning new services in the future. We would suggest that the Home Office take this recommendation on board.

Conclusion

For all the reasons above, we would urge the Home Office to acknowledge women's offending as one of the longer-term potential consequences of coercive control in intimate relationships. We believe that, although this consultation is positive, it must form part of a cross-departmental commitment, also recognising the impact of domestic abuse even among the population of survivors who go on to offend themselves, often as a direct or indirect consequence. As this is the case, it is also important that female offenders are able to access gender-specific services when they come into contact with the CJS to support them on their desistance journey.

Clinks would support a change to the law that would help to ensure all cases of domestic abuse are recognised and addressed. We would also urge the Home Office to ensure that there are services in place to provide support to women experiencing coercive control, and to liaise with the Ministry of Justice and NOMS to ensure that all rehabilitation and resettlement services for female offenders recognise and respond to this unique form of need.

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¹³ Please see footnote 12.