



**DOMESTIC ABUSE BILL
COMMITTEE STAGE
HOUSE OF LORDS**

25 AND 27 JANUARY;
1, 3 AND 8 FEBRUARY 2021



25/01/2021

Amendment Statements:

On the definition of ‘personally connected’:

Amendment 7 and 12, tabled by Baroness Wilcox of Newport, Baroness Altmann and Baroness Watkins of Tavistock, seek to ensure that a carer of a person with disabilities is included in the definition of “personally connected”. Similarly, Amendment 11, tabled by Baroness Grey-Thompson, seeks to expand the definition to those providing unpaid care and caring duties to a person with disabilities. Further, Amendment 13, tabled by Baroness Hamwee and Lord Paddick, amends Amendment 12 to specify care support that aims to enable the individual to live in their own home; and Amendment 8, tabled by Lord Randall of Uxbridge and Baroness Butler-Sloss expands the definition to those that are ordinarily resident in the same household.

Hourglass believes it is vital that the statutory definition reflect all of the ways people organise their personal connections, these precious relationships of trust and support, that can sadly become the site of harm and abuse.

We know that older people live with a wide range of personal connections: family, friends, community. We also know that there are times when these different types of relationships are tragically violated. In the first 6 months of 2020, 24% of calls to the Helpline concerned neither a professional nor a relative or (ex)partner but identified friend, neighbour or other as the perpetrator of abuse. The pandemic has further taught us that the proportion of abuse perpetrated by these different groupings can be subject to change. For example, we suspect the impact of the COVID-19 restrictions is to intensify personal connection with neighbours and others in the community, over relatives. A shift in the proportion of abuse follows, in comparing January-April 2019 and the same period in 2020, the Helpline saw calls relating to abuse perpetrated by a neighbour double.

We would welcome clarity on Amendment 13, which amends Amendment 12 to leave out “independently” and insert “in B’s own home”. This amendment seeks to widen the definition of carers covered by Lord Rosser’s amendment. However, Hourglass feels the most appropriate widening would be to include both of these phrases, “in B’s own home, or otherwise independently”.

All the amendments assume the new law will predominantly protect a person with disabilities. This is of vital importance, and older people make up a large proportion of people with disabilities. However, Hourglass prefers Amendments 7 and 12 which do not limit the definition to applying only to caring relationships where one part is a disabled person. Not all older people personally connected to non-relatives through a caring relationship could be identified as disabled. It is important the new law protects all people receiving unpaid care. Similarly, we strongly support Amendment 8, expanding the definition to those that are “ordinarily resident in the same household”.

In the Committee Stages of the Bill in the House of Commons, caution was issued as expand the definition too widely. The government argued against the amendment, suggesting it would unduly broaden the scope of the new definition, impacting the public’s understanding of Domestic Abuse. Hourglass would counter that this Bill has the opportunity to

reset the public's understanding of Domestic Abuse, which currently contributes to physical and attitudinal barriers that prevent older victims of domestic abuse receiving support or accessing justice.

Hourglass recently conducted attitudes and perceptions polling. In June 2020 we found 34.4% of respondents in our survey did not consider “domestic abuse or domestic violence directed towards an older person” as a form of abuse. On the surface this response seems inconsistent, with terms ‘abuse’ and ‘violence’ there in the statement. However, perhaps less surprising when we consider that our survey respondents also strongly associated abuse of older people with a care home - rather than domestic - setting. The most common group thought to abuse older people were “care workers in a care home” with just over half of UK wide respondents ticking this option. Sadly, we find that the vast majority of abuse is perpetrated by family members in the older person's own home. For this reason, it is vital this new Bill, which seeks to protect victims now and in the future, reflect the way older people truly live and debunk misconceptions about abuse in older age.

On controlling or coercive behaviour:

Hourglass supports Amendment 156, tabled by Lord Hunt of Kings Heath, Baroness Greengross, Baroness Burt of Solihull and Baroness Manzoor, which ensures that, where controlling or coercive behaviour is being carried out by a relative, as already defined in section 76(7) of the Serious Crime Act 2015, the offence under section 76 applies irrespective of whether that relative shares accommodation with the victim.

Amendment 156 is necessary to close a gap in legislation that would see coercive or controlling behaviour perpetrated by partners, ex-partners or relatives who do not share accommodation with the victim, as outside of the reach of the Bill. This could apply to many personally connected relationships but Hourglass wishes to draw attention to adult child to parent abuse. The most frequent perpetrator recorded by our Helpline is ‘Son/Daughter’, making up 30% of all calls in 2019 and 38% of calls in the first six months of the pandemic (April-September 2020), compared to the same period in 2019. Many of those adult children do not reside with their parents but rather perpetrate abuse from other accommodation.

On the duty to report suspected abuse:

Hourglass supports Amendment 165, tabled by Baroness Greengross, Lord Hunt Of Kings Heath and Lord Randall Of Uxbridge, creating a duty on local authorities to report suspected abuse, such that the local authority must ensure that, where any of its employees suspects in the course of carrying out a financial assessment for adult social care that a person is the victim of domestic abuse, the employee reports the suspected abuse to a relevant social worker or the police.

We know the manifestations of abuse are often multiple and interacting. Financial abuse has typically been the most common abuse reported to our Helpline (40% of calls in 2019) but rarely occurs without corresponding physical and/or psychological abuse. The financial assessment is a vital access point where abuse can be identified. This amendment could reinforce existing safeguards practiced by the Local Authority and the duties of care detailed in The Care Act (2014). For older people, for whom domestic abuse is often viewed solely through a health and social care lens, this measure could join up the delivery of justice to survivors.

On powers of entry:

Hourglass supports the creation of new powers of entry, as detailed by Amendment 166, tabled by Baroness Greengross, Lord Hunt Of Kings Heath and Lord Randall Of Uxbridge. These powers would apply to registered social workers, who – through an application to the magistrate’s courts – may enter the premises of a person at risk if abuse or risk of abuse is suspected.

Hourglass supports the implementation of these measures, which were considered during the scrutiny of the Care Bill 2012-13. These measures are endorsed by practitioners. In 2017, Kings College London’s Social Care Workforce Research Unit undertook [research](#) that showed over half of practitioners interviewed were in favour of new powers. Practitioners identified the benefits of powers of entry. For example: that it could prevent cases progressing to a point where life or limb powers were needed; might generally speed up the process of safeguarding enquiries; and that awareness that social workers have this power might persuade some of the family members or other individuals obstructing access to allow a social worker to talk to the adult at risk without having to get a court order at all.

The power of entry was introduced in Scotland in 2008, and similar powers came into force in Wales in 2016. This amendment provides an opportunity to bring England in line with these legislations. Some have cited the lack of robust data about the impact of these measures in Scotland and Wales, however Hourglass feels that just because obstruction is rare, is not justification for leaving this avenue unlegislated. These powers could save lives.

On the carer’s defence:

Hourglass supports Amendment 171, tabled by Lord Ponsonby Of Shulbrede and Baroness Grey-Thompson. The amendment seeks to repeal provisions about defence for controlling or coercive behaviour offence in section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship). This clause is known as the ‘carer’s defence’ and protects defendants facing charges of coercive control where they claim they were acting in the best interests of the victim.

While Hourglass supports the Bill providing some safeguards for defendants, we were convinced by the powerful evidence provided by Sisters of Frida, the disabled women’s collective, and Stay Safe East regarding the negative impact on their service users. Ageist and ableist attitudes leave this defence open for abuse.

On speech, language and communication needs:

Hourglass strongly supports Amendments 22 and 110, tabled by Lord Ramsbotham, Baroness Andrews, Baroness Finlay Of Llandaff and Lord Shinkwin, which concern measures in the Bill that ensure victims with speech, language and communication needs are adequately identified and supported.

On support in accommodation-based and community services:

Hourglass supports the raft of amendments submitted by various representatives that seek to ensure an equal duty on the provision of accommodation-based services and community services. In particular we wish to highlight Amendment 176, tabled by Lord Polak, Lord Bishop of Derby, Lord Rosser and Lord Russell of Liverpool. This new clause specifies the “provision of sufficient specialist domestic abuse services”.

This new clause requires local authorities, police and crime commissioners and clinical commissioning groups to ensure sufficient provision of specialist domestic abuse support services in all local areas. This must include sufficient provision, reflective of need, of services for survivors with protected characteristics, migrant survivors, children and young people, as well as perpetrator programmes.

We know older survivors struggle to access support. The 2018 Femicide Census – research collated by Women’s Aid on women killed by male partners – found that 11.5% of women killed by a partner or ex-partner in England, Wales and Northern Ireland were aged 66 or over. According to a 2016 report by domestic abuse charity Safe Lives, an estimated 120,000 women over 65 had experienced at least one form of abuse. In 2017 Age UK calculated over 200,000 people aged 60 to 74 experienced domestic abuse in England and Wales. Our own polling conducted in June 2020 and published at the end of last year, found that 2.7 million people in the UK have experienced abuse as an older person. While not all abuse of older people is domestic abuse, the new statutory definition would capture a huge amount of this harm. However, this only helps older people if they feel empowered to use access justice and support made law by the new Bill. It is vital that Bill ensure the provision of services is applied equally to all groups who suffer abuse.



Hourglass

Safer ageing · Stopping abuse

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