**SAFEGUARDING ADULTS IN CASES OF DOMESTIC ABUSE**

**COERCION AND CONTROL WITH CONSIDERATION OF MENTAL CAPACITY**

**TOP TIPS**

What is coercive or controlling behaviour?

Coercion and control is recognised in section 1 (3c) of the [Domestic Abuse Act 2021 as abusive behaviour](https://www.legislation.gov.uk/ukpga/2021/17/section/1/enacted). What constitutes controlling or coercive behaviour is outlined in [statutory guidance issued by the government under section 77 of the Serious Crime Act 2015](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/482528/Controlling_or_coercive_behaviour_-_statutory_guidance.pdf). Controlling or coercive behaviour is defined as:

* controlling behaviour - a range of acts designed to make a person dependent by isolating them from support, exploiting their resources and capacities for personal gain, depriving them of independence, resistance and escape and regulating their everyday behaviour.
* coercive behaviour - an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

*(see associated guidance for a list of common behaviours)*

Sometimes, an adult may refuse intervention under safeguarding. This may appear to be an informed choice, but practitioners should use professional curiosity. Explore coercive power being used to impose fear on someone making their own decisions, so might they be choosing to follow the choices made by the person controlling them? This is abuse and this may suggest that an individual’s executive capacity to make decisions around safeguarding themselves is impaired.

+

**What reasons may a person have for not ending an abusive relationship?** *(list not exhaustive)*

* Scared of change
* Invested in the relationship
* Fearful of repercussions
* Risks to the victim can escalate post separation

*(list not exhaustive)*

Free training for professionals is available via the ‘Learning & Development Gateway’ and is provided by WORTH. This covers basic to more advanced domestic abuse knowledge and would be useful to build on knowledge of the wider context to coercive control.

Think about indicators of coercive control.

How can you identify these?

*(see associated guidance for more information)*

**REMEMBER**: Coercive control a criminal act. If you recognise this is impacting a customer you are working with, be transparent with them of your duties to inform the police. If someone is in immediate danger, call 999.

Remember to apply the 3 Key Test as outlined within s42 of the Care Act 2014 as this needs to be met for a safeguarding enquiry.

WORTH can provide support and help an individual to:

* Understand what is happening
* Keep themselves and family safe

 WORTH also provide advocacy services. Consider whether this is beneficial when a person’s executive capacity may be impaired. Providing advocacy services is a duty under the Care Act 2014.

**CASE STUDY**

 A 70 year old woman with needs for care and support was experiencing domestic abuse through coercion and control. A safeguarding concern was raised and triggered through into an enquiry which was immediately closed as concerns were being “dealt with by different processes”. Under a care management approach, all offers of support (respite, formal package of care) were declined. As this was the partner’s wish. Practitioners were unsuccessful in meeting with her in a safe place. The case was closed with no safety plan in place.

**Were appropriate actions taken?**

* The local authorities duty to make further enquiries under s42 of the Care Act 2014 was not completed.
* Capacity was not considered or assessed despite evidence that the woman was refusing support.
* Case was closed with no thorough consideration of safety planning.