

## OUTSTANDING IN ALL AREAS

### Cherry Tree Domestic Violence Declaration

The Serious Crime Act 2015 (the 2015 Act) received royal assent on 3 March 2015. The Act creates a new offence of controlling or coercive behaviour in intimate or familial relationships (section 76). The new offence closes a gap in the law around patterns of controlling or coercive behaviour in an ongoing relationship between intimate partners or family members. The offence carries a maximum sentence of 5 years' imprisonment, a fine or both.

This offence is constituted by behaviour on the part of the perpetrator which takes place "repeatedly or continuously". The victim and alleged perpetrator must be "personally connected" at the time the behaviour takes place. The behaviour must have had a "serious effect" on the victim, meaning that it has caused the victim to fear violence will be used against them on "at least two occasions", or it has had a "substantial adverse effect on the victims' day to day activities". The alleged perpetrator must have known that their behaviour would have a serious effect on the victim, or the behaviour must have been such that he or she "ought to have known" it would have that effect.

The cross-Government definition of domestic violence and abuse outlines controlling or coercive behaviour as follows:

- **Controlling behaviour is:** a range 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.
- **Coercive behaviour is:** a continuing 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.

#### Types of behaviour

The types of behaviour associated with coercion or control may or may not constitute a criminal offence in their own right. It is important to remember that the presence of controlling or coercive behaviour does not mean that no other offence has been committed or cannot be charged. However, the perpetrator may limit space for action and exhibit a story of ownership and entitlement over the victim. Such behaviours might include:

- 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 of 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
- threats to hurt or kill
- threats to a child
- threats to reveal or publish private information (e.g. threatening to 'out' someone)
- assault
- criminal damage (such as destruction of household goods)
- rape
- preventing a person from having access to transport or from working.

***This is not an exhaustive list***

**Controlling or coercive behaviour should be dealt with as part of adult and/or child safeguarding and public protection procedures. If you are or know of anyone involved in coercive or controlling behaviour (either as perpetrator or victim) please speak to the DSL. In the event of someone being at risk of direct harm you should contact the police.**

**You are required to sign the declaration below confirming that you are not involved in any coercive or controlling behaviours within any of your personal or professional relationship**

**By association:**

**You are required to sign the declaration below confirming that there is no-one living in your household who you are aware of being involved in any coercive or controlling behaviours**

If you fail to complete and return the form, this will be regarded as a disciplinary matter for staff, which may result in dismissal and in the case of volunteers (where required to sign), may mean that you can no longer work at Cherry Tree.

### **Declaration**

In signing this form, I confirm that the information provided is true to the best of my knowledge and that:

- I understand my responsibilities to safeguard children
- I understand that I must notify the headteacher immediately of anything that affects my suitability including any pending court appearances, cautions, warnings, convictions, orders or any other determinations made in respect of me or a member of my household that may render me disqualified from working with children.

**Name:**

**Signed:**

**Position:**

**Date:**