

Factsheet: Economic Abuse and the Domestic Abuse (Scotland) Act 2018

1. What is the Domestic Abuse (Scotland) Act 2018?

On 1 April 2019, a new Domestic Abuse law, The Domestic Abuse (Scotland) Act 2018, came into force in Scotland. This law was a welcome change because it recognises the multiple ways in which people are affected by domestic abuse. It also expands the definition of what domestic abuse is in criminal law in Scotland and how the police and courts investigate and prosecute this crime. This law aims to give people living with abuse more opportunities to get legal protections and find justice through the criminal justice system. A key aspect is that it will cover a range of behaviours such as psychological and emotional abuse, including what is commonly known as 'coercive control'.

The Act applies to victims/survivors of domestic abuse, regardless of whether they are currently in the abusive relationship. It does not require that relationship to have involved them living together.

The legislation identifies abusive behaviour as any action that is violent, threatening or intimidating. This means it is concerned more with the effects abusive behaviour has on a victim/survivor rather than identifying any specific behaviours. The behaviour does not have to be physical or sexual to be considered domestic abuse under this Act.

2. What is economic abuse?

Economic abuse happens when a person interferes with their partner's ability to acquire, use and maintain economic resources. It can include the restriction, exploitation or sabotage of a person's housing, food, clothing, transportation, employment, and education. Economic abuse can take many forms including: retaining the victim's salary or giving her an 'allowance', forbidding her from accessing work or education, restricting access to her private and shared bank accounts, and convincing or forcing her to take on debt on behalf of the abuser, among many others.

Economic abuse is a harmful form of coercive control that seeks to control and isolate victims economically, making it harder to leave the abusive situation and to be financially

independent after separation. If you are living with economic abuse it's important to know you are not alone. There are support organisations listed at the end of this factsheet that can assist you.

Our full guide on economic abuse is also available [here](#).

Economic or financial abuse?

Many people, including the police and other support services, might use these words interchangeably. However, there are some differences in their definition:

Financial abuse involves the use or misuse of money to control your life and your freedom of choice. It can leave you with no access to money, your bank account or your income.

Economic abuse includes restricting, exploiting and sabotaging your access to economic resources such as food, clothing, employment, education or transport. Financial abuse is therefore a subcategory of economic abuse.

Regardless of the term used, the most important thing is that your experience is being heard and addressed appropriately.

3. Economic Abuse and the Domestic Abuse (Scotland) Act

The Act recognises domestic abuse as a crime. This means that a person who engages in a pattern of abusive behaviour toward a partner or ex-partner can be prosecuted and punished by the law. In the past, there has been a focus on physical violence; however, the changes now make coercive control a criminal offence. Coercive control includes economic abuse — it is a pattern of behaviour which is controlling and harmful, with emotional and psychological impacts on survivors.

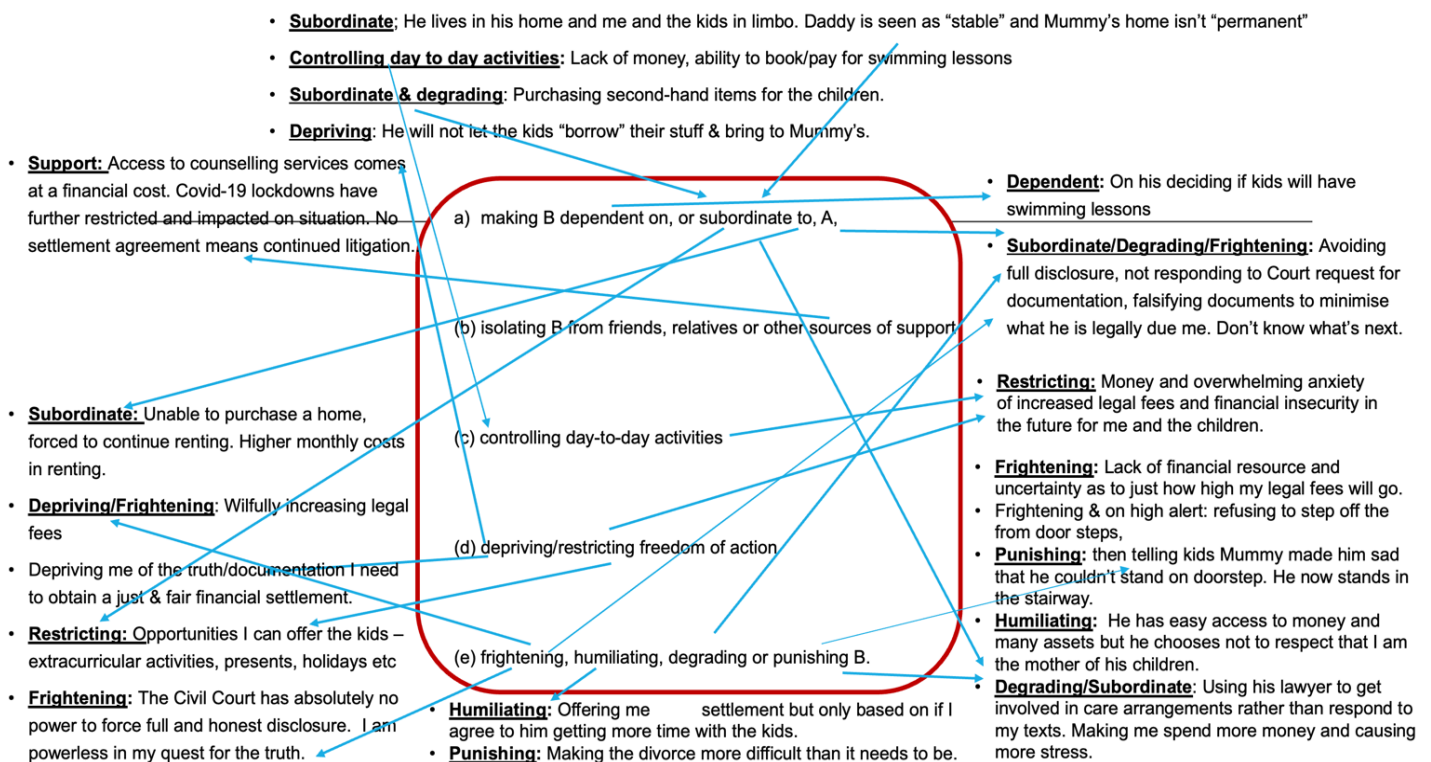
The Act provides that the domestic abuse behaviours must have the following effects (known as 'relevant effects' within the Act):

- Making the victim/survivor dependant or subordinate to the abuser;
- Isolating the victim/survivor from their friends, family and other sources of support;
- Controlling, regulating or monitoring the victim/survivor's day to day activities;
- Depriving or restricting the victim/survivor's freedom of action;
- Frightening, humiliating, degrading or punishing the victim/survivor.

As long as the abusive behaviours have these effects then it falls within the Act. Economic abuse is covered by the Act because interfering with someone's ability to acquire, use and maintain economic resources can have a significant impact upon that person, such as:

- Making them dependant upon their abuser for money, food and other day to day resources;
- Stopping them from being able to travel to meet people causing them to be isolated;
- By restricting someone's money, food or other day-to-day resources, the abuser is controlling that person's day-to-day activities, for e.g. not allowing them to participate in social events or controlling the food that they can purchase or eat;
- By restricting someone's money, food or other day-to-day resources, the abuser is depriving, or restricting their freedom of action, for e.g. restricting their ability to work and earn money;
- By restricting someone's money, food or other day-to-day resources, the abuser can be causing them to feel frightened, humiliated, degraded or punished.

The following illustration was created by a victim-survivor who experienced economic abuse from her abusive husband throughout her relationship as well as after separation. In this illustration, she highlights how each effect detailed in the Act applies to her experience of economic abuse and the effect this has on her and her children.



In this illustration the survivor links her own experiences of economic abuse to the 'relevant effects' of the Act and how these behaviours made her feel at that time.

If the abusive behaviours fall within the scope of the Act then this may be considered a crime and can be reported to Police Scotland. If you choose to report the abuse to the police and the police consider that there is enough evidence, they can report the case to the Crown Office and Procurator Fiscal Service (COPFS), who then decide whether to prosecute. This may result in the abuser being taken to court.

At the conclusion of the criminal case, if the abuser is found guilty under the Domestic Abuse (Scotland) Act 2018, depending on how serious the offences are, they can receive a sentence of between 12 months and 14 years in prison and/or a fine. Under the Act, the court must consider whether to issue a non-harassment order (that is, a court order preventing the abuser from doing certain things) to protect the victim/survivor. If the court decides not to issue this protection, they must explain why they think this order is not necessary.

Please see our guide on [Reporting Domestic Abuse to the Police](#) for full details on the process of reporting domestic abuse and our guide to [Stopping Harassment](#) for more information on protective orders.

Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) have a [Joint Protocol on Challenging Domestic Abuse](#). This Protocol outlines the procedures and practices that should be followed by Police Scotland and COPFS in the investigation, reporting and prosecution of allegations involving domestic abuse. The Protocol highlights 'financial abuse' as a form of abuse they must consider, however, no further guidance is provided within the protocol.

It is also important to note that, depending on the circumstances of your experience, economic abuse could also be categorised as another criminal offence, such as fraud or criminal damage.

The Act recognises that abuse can also occur after separating from an abusive partner. This is crucial in relation to economic abuse, as the abuse can start, continue, or escalate after physically separating from an abusive partner and may include:

- deliberately and unreasonably delaying legal proceedings to increase legal fees;
- refusing to pay agreed child maintenance;
- and misusing and sabotaging joint financial products.

In her work on economic abuse, Jenn Glinski developed a helpful resource to illustrate some key aspects of economic abuse experienced after separation. It can be downloaded [here](#).

4. How to evidence economic abuse as a crime under the Domestic Abuse (Scotland) Act

To prove there was domestic abuse under the 2018 Act (including economic abuse), the law requires a survivor to demonstrate that:

- The abuse was directed towards them by a partner or ex-partner;
- There was a pattern of abusive behaviours (2 or more incidents of abuse that a reasonable person would think would have caused the victim/survivor to suffer physical or psychological harm, including fear, alarm and distress);
- The abuse can be, but does not have to be, sexual or physical;
- The abuser intended to cause physical or psychological harm or was reckless as to whether the behaviour would cause such harm. This means that even if the abuser did not intend to hurt their partner or ex-partner, their behaviour could still be considered domestic abuse under the Act, as it is not necessary to show that harm was actually caused.
- There must be evidence from 2 separate sources. This is known as corroboration of evidence.

5. Evidencing economic abuse

You might be asked to provide evidence of the economic abuse you have been or are subjected to. This can be very difficult, especially because abusers may hide or destroy evidence as part of their economic sabotage.

Evidence of economic abuse can include:

- Bank records (your bank can also assist you with this)
- Copies of emails, phone records or text messages
- Witness testimony (may include family, friends, neighbours or colleagues that you have spoken to)
- Records of help-seeking with support services (such as GPs, domestic abuse charities, debt or financial advisors)
- Previous accounts of abuse given to the police

If possible and if it is safe for you to do so, keep copies of financial information and other documents.

Support agencies and useful contacts

If you are experiencing or have experienced domestic abuse, our Centre can offer legal information and advice on civil measures such as: protective orders, divorce or separation from a partner, and child contact and residence. We can also advise you on your rights before, during and after reporting domestic abuse to the police, and when engaging with the criminal justice process.

If you need legal information or advice, or advocacy support, you can call our helplines. Please [see our website](#) for up-to-date opening hours and availability notices.

You can also get in touch with the following specialist and support organisations.

Domestic abuse

Emergency services

101 (non-emergency)

999 (emergency only)

Scottish Women's Aid

Website: www.womensaid.scot

Local specialist groups: www.womensaid.scot/find-nearest-swa-group

Scotland's Domestic Abuse and Forced Marriage Helpline

Helpline: 0800 027 1234 (24 hour)

Website: www.sdafmh.org.uk

Rape Crisis Scotland

Helpline: 08088 01 03 02 (everyday 6pm-midnight)

Website: www.rapecrisisscotland.org.uk

Email: helpline@sdafmh.org.uk

National Stalking Helpline

Helpline: 0808 802 0300 (daily 9.30am-4pm except Wednesday 1pm-4pm)

Website: www.suzylamplugh.org

Finance and Housing

Surviving Economic Abuse

Free resources on economic abuse (please note that some resources may apply only to England & Wales).

Website: survivingeconomicabuse.org/resources

National Debtline

Free and independent debt advice over the phone and online.

Helpline: 0808 808 4000 (Mon-Fri 9am – 8pm)

Website: www.nationaldebtline.org (Online webchat: Mon-Fri 9am – 8pm)

Money Advice Service

Free and impartial money advice set up by the government

Helpline: 0800 138 7777 (Mon-Fri, 8am – 6pm, webchat on Sat. 8am-3pm)

Website: www.moneyadviceservice.org.uk

Citizens Advice Scotland

Information, advice and support on debt, money matters, housing and benefits, etc.

Helpline: 0800 028 1456 (Mon-Fri, 9am-5pm)

Website: www.cas.org.uk

Shelter

Free information and advice on housing and homelessness.

Helpline: 0808 800 444

Website: www.shelter.org

Turn2Us

Information on benefits, charity, local authority grants and support services across the UK.

Website: www.turn2us.org.uk

UK Finance

Information about the [UK Finance 'Financial Abuse Code of Practice'](#) and how financial services can help you if you are experiencing economic abuse.

About us

The Scottish Women's Rights Centre (SWRC) is a collaboration between Rape Crisis Scotland (Registered in Scotland, no. 258568; SCO25642), the University of Strathclyde Law Clinic (SCO15263) and JustRight Scotland (SCO47818). All legal advice and representation provided through the SWRC is by JustRight Scotland (SO305962), a firm authorised to act as solicitors by the Law Society of Scotland (Registered No 53703).



This factsheet was co-authored by Jenn Glinski of Jenn Glinski Consulting. We are very grateful for her support with our work on economic abuse. You can find Jenn's website [here](#).