

# Financial help for families fleeing domestic abuse



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Child Poverty Action Group works on behalf of the one in four children in Scotland growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good.

We provide training, advice and information to make sure hard-up families get the financial support they need.

*Financial help for families fleeing domestic abuse* is one of a series of Child Poverty Action Group in Scotland leaflets giving guidance to advisers and those working with families in Scotland about aspects of the social security system of particular concern.

## **Introduction**

If you are experiencing domestic abuse, the financial implications should not be a barrier to making yourself and your children safe. There are special social security rules that are aimed at helping you in this situation.

Refuges can always provide support in an emergency, regardless of your income or resources, and can help you sort out your finances in the longer term – see last page for contact details.

Under UK social security legislation, the term 'domestic violence' is used and defined as any incident or pattern of incidents of controlling behaviour, violence or abuse, including physical, sexual, psychological, financial or emotional abuse, by a partner, former partner or family member, regardless of your sex, gender or sexuality.

This leaflet gives a brief overview of what benefits you may be able to get if you have to flee your home due to domestic abuse. It is not a full statement of the law and you should seek specialist advice in your individual circumstances.

## What financial help is available if you need to flee your home due to domestic violence?

### *Scottish Welfare Fund*

You can apply for a Crisis Grant for living expenses if you need to leave your home in an emergency. You can also apply for a Community Care Grant for other needs such as travelling expenses or household items if you are moving into a new home, and are facing exceptional pressures due to domestic violence. You should be without income or on a low income, such as getting certain benefits, but this is not essential. You should apply to your local authority for a Crisis Grant and/or Community Care Grant from the Scottish Welfare Fund. You should also claim any benefits you are eligible for and request an advance payment.

### *Universal credit*

Universal credit is a working age means-tested benefit, payable in or out of work, including amounts for children, childcare costs and housing. It replaces income support (IS), income-based jobseeker's allowance (JSA), income-related employment and support allowance (ESA), housing benefit and tax credits (known as 'legacy benefits') for new claimants.

If you have fled domestic abuse, you will have to claim universal credit in the following circumstances:

- You have children and were previously getting tax credits as a couple;
- You have become liable for rent for the first time, or in a new local authority area;
- You have stopped working, or become unable to work due to illness; or
- You are not entitled to any of the other 'legacy benefits'.

Universal credit is usually only paid after a monthly assessment period, followed by 7 days before the first payment. You can request a short-term advance if you are in financial hardship – this can be up to 100% of your estimated entitlement, and is usually repaid from your future payments over 24 months. Universal credit is usually paid all in one monthly payment into your account. You can ask for your payment to be made twice a month, or for the amount for rent to go direct to your landlord.

A change of circumstances takes effect from the start of a monthly assessment period. So if you were previously getting universal credit as a couple and have left your former partner, you must notify that you are now claiming as a single person and for any children you are responsible for. You will be paid as a single person for the whole of the monthly assessment period in which you left your former partner, and your claim will continue to run on the same monthly assessment period. If universal credit was being paid into your former partner's account, it is vital that you notify your own account details for your single claim before your first payment is due. Ask the DWP for help if you have difficulties opening an account.

Most universal credit claimants are subject to work-related requirements, which include attending work-focused interviews if your youngest child is aged one, and preparing for work if your youngest child is aged two. When your youngest child is aged three to 12, you are usually expected to be available for and look for work for up to 30 hours a week, if this is compatible with your caring

responsibilities, and suitable childcare is available. You are at risk of a sanction if you do not comply with your work-related requirements without good reason. If you have been affected by domestic violence within the last six months, you should not be subject to any work-related requirements for a period of 13 weeks if you provide evidence of the abuse from a person acting in an official capacity, such as police or social worker. You must not be living with the perpetrator at the time this concession is applied. This exception can only be applied once in any 12-month period. If you have children, you should not have to be available for or look for work for a further 13 period of weeks but may be required to attend work-focused interviews or prepare for work.

If you are responsible for a child who has been a victim of, or witness to, violence or abuse, or has been affected by the death of a family member in the last two years, and this has disrupted their school or childcare, you can be allowed a month in which you do not have to look for work or be available for work. This can be allowed once in each six-month period in the two years following the event. However, if the incident is the same episode of domestic violence for which you have been allowed the period of 26 weeks described in the above paragraph, the month runs at the same time.

#### *Two-child limit*

There is a two-child limit in child tax credit and universal credit which can mean no child element is payable for a baby born on or after 6 April 2017 if you are already claiming for two or more other children. However, there is an exception if the child was conceived as a result of rape or in a controlling or coercive relationship. You must not be living at the same address as the alleged perpetrator at the time the exception applies. A controlling or coercive relationship includes behaviour which causes you to fear on at least two occasions that violence will be used against you, or that causes you serious alarm or distress which has a substantial adverse effect on your day-to-day activities. You must provide evidence from an approved person that you had contact with them or another approved person about the rape or coercive or controlling relationship. A list of approved persons is set out in guidance ( [gov.uk/government/publications/support-for-a-child-conceived-without-your-consent](https://www.gov.uk/government/publications/support-for-a-child-conceived-without-your-consent) ) and includes health care professional, social worker or other approved organisations. Third party evidence is not required if there has been a conviction for the offence of rape or coercive controlling behaviour in the UK, or a similar offence abroad, or a Criminal Injuries Compensation award in respect of a sexual offence, physical abuse or mental injury, and it is likely that the offence or injury resulted in the conception.

#### *Universal credit and help with rent*

If you get universal credit and then move into a refuge provided by a local authority, charity or voluntary organisation because you have left your home due to domestic violence, or are placed in temporary homeless accommodation, you can get universal credit for yourself, but you need to claim housing benefit from your local authority to get help with your housing costs (see below). If you move into a standard tenancy of your own, universal credit can include an amount for your rent.

If you rent from a housing association or local council, the amount of help you can get with your rent may be reduced if you have a spare bedroom (the 'bedroom tax') – but if you have experienced domestic abuse and your home has been adapted under a 'sanctuary scheme' for your safety, you are

exempt from the bedroom tax. If you rent from a private landlord, the maximum amount of help you can get with your rent may be limited, depending on your family size and the area you live in (see [lha-direct.voa.gov.uk/Secure/Search.aspx](https://direct.voa.gov.uk/Secure/Search.aspx)) – but if you have experienced domestic abuse, are under 35 and live alone you can be allowed the rate of a one-bedroom property instead of the shared accommodation rate.

If you have fled your home due to fear of violence but intend to return, for example when your former partner has been excluded or convicted, you can continue to receive help with your rent in universal credit for up to 12 months of a temporary absence. In this situation, you can also receive help with rent in universal credit on another home.

### *Housing benefit*

If you are in a refuge or temporary homeless accommodation, you claim housing benefit for your rent even though you claim universal credit for yourself and your children. If you have fled your home due to fear of violence but intend to return, for example when your former partner has been excluded or convicted, you can continue to receive housing benefit for up to 52 weeks of a temporary absence. In this situation, you can also receive housing benefit on another home, for example if you are liable for rent in temporary accommodation.

Housing benefit can be reduced if your total from benefits including IS, JSA, child benefit, child tax credit and housing benefit is more than the 'benefit cap' limit of £423.46 a week, (universal credit can be reduced if you get more than £1,835 a month), for a lone parent. This is most likely to affect you if you have a large family or are living in accommodation with a high rent. If you are staying in a refuge, this type of accommodation is usually exempt from the benefit cap, so your housing benefit can cover the higher charges usually associated with the additional support and security provided. If you are getting housing benefit on two homes under the rule described above, you may be affected by the benefit cap.

### *Child tax credit*

If you were getting tax credits as a couple, your joint claim must end if you are separated under a court order, or it is likely to be permanent. You will usually have to make a new single claim for universal credit instead. You will still receive a final decision about your old joint claim. If there was an overpayment in your old joint tax credits claim with your partner, you will be asked to repay no more than 50% of the overpayment. If you were experiencing financial abuse and control and did not know about the tax credits claim, you can argue that you were an innocent partner and should not have to repay any of the tax credits overpayment.

If you report that you have been affected by domestic violence, your case should be handled by a dedicated team who must ensure that your claim is dealt with appropriately, for example that you are not asked to provide information that could put your safety at risk.

### *Child benefit*

Child benefit is usually paid to the person responsible for the child. If you were not the child benefit claimant before fleeing domestic violence, you should make a new claim for a child or children you are responsible for. It can take several weeks to change claimants, unless your former partner agrees to withdraw his/her claim.

If you had opted not to receive child benefit due to the 'high income tax charge' because your former partner's income was over £60,000, you should ask for payment to be reinstated once you have separated.

### *Pension credit*

If you are over pension age (66), you can claim pension credit as a single person. Pension credit is a means-tested benefit for older people. You are allowed more to live on and are not required to look for work, and cannot be sanctioned. If you have children, a child element can be included in your pension credit. If you need help with rent, you can claim housing benefit.

### *Scottish child payment*

If you have a child under 16, you may be able to receive Scottish child payment of £26.70 a week for each child under 16. You can apply online at [mygov.scot/scottish-child-payment/how-to-apply](https://mygov.scot/scottish-child-payment/how-to-apply) or by phone to Social Security Scotland free on 0800 182 2222. You must be receiving universal credit, tax credits, pension credit, income support, income-related employment and support allowance or income-based jobseeker's allowance. You must be responsible for the child, which means that you are getting a child element in universal credit or child tax credit, or getting child benefit for the child. Scottish child payment usually follows universal credit, so if you have recently left a relationship, it is important to start a single claim for universal credit, but do not delay applying for Scottish child payment as well. If you have just moved to Scotland, you can apply for Scottish child payment straight away.

### *Best Start grant*

Best Start grant includes three separate payments from Social Security Scotland for lower income families. You must usually be entitled to universal credit, tax credits, pension credit, income support, income-related employment and support allowance or income-based jobseeker's allowance or housing benefit. You may also qualify if you are under 20 and not receiving any benefits.

If you are at least 24 weeks pregnant or have a child under 6 months (or under 12 months if you have taken on responsibility for someone else's child), you can apply for the pregnancy and baby payment – this is payable at £754.65 if you don't have any other children under 16, or £377.35 if you are responsible for another child under 16 who lives with you. You still get the higher rate if you left your former home with the older child due to domestic abuse.

If you have a child aged from 2 to 3 ½, you can apply for the early learning payment of £314.45.

If you have a child aged four to five, you can apply for the school age payment of £314.45.

## *Best Start foods*

You may also qualify for Best Start foods if you are pregnant or have a child under three and your income is below certain limits. This is a payment card worth £5.30 a week, or £10.60 for a child under one, to spend on milk, eggs, fruit and vegetables.

Apply online at [mygov.scot/browse/benefits/best-start](https://mygov.scot/browse/benefits/best-start) or by phone to Social Security Scotland free on 0800 182 2222. If your card is lost or stolen, contact allpay using their free helpline, 0808 196 1687 to cancel your card and send you a new one.

## **Means-tested benefits and your former partner, property or savings**

If you are claiming universal credit, income support, income-based JSA, income-related ESA, housing benefit or a council tax reduction, your claim is not affected by your former partner's income. Any payment of *child* maintenance is ignored. If you receive *spousal* maintenance, this counts as your income and does affect your claim.

If you have fled a property of which you were the owner or joint owner, the value of the property is ignored for at least 6 months following a relationship breakdown, or longer in other circumstances, for example if your former partner is a lone parent, or if you are taking legal advice to return to the property or take steps to sell your share.

If you had a joint account with your former partner, you will need to open an individual account in your own name to receive payments of benefits and tax credits. You may be treated as having a 50 per cent share of jointly held savings, but if you are unable to access a joint account due to domestic violence, you should argue that the value is nil for means-tested benefits. You should also seek legal advice on gaining access to your share and other financial issues.

For more information on help from the DWP see [gov.uk/government/publications/domestic-violence-and-abuse-help-from-dwp/help-available-from-the-department-for-work-and-pensions-for-people-who-are-victims-of-domestic-violence-and-abuse](https://gov.uk/government/publications/domestic-violence-and-abuse-help-from-dwp/help-available-from-the-department-for-work-and-pensions-for-people-who-are-victims-of-domestic-violence-and-abuse)

## **People from abroad**

People from abroad may find that their rights to claim benefits are limited, depending on their immigration status, and should seek specialist advice. If you entered the UK as the partner of a British citizen or settled person and have fled domestic violence, you may be entitled to claim benefits and tax credits under a special concession. If you have 'no recourse to public funds' as a condition on your stay in the UK, this concession allows you access to public funds so that you are not at risk. You can apply for a 'Destitute Domestic Violence Concession' from the Home Office to allow you limited access to benefits and tax credits for three months. You should seek specialist immigration advice to apply for indefinite leave to remain in the UK.

For more information see [gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence](https://gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence)

## Further information and advice

### IN AN EMERGENCY CALL 999

#### Scotland's domestic abuse and forced marriage helpline

0800 027 1234 (24 hours a day 7 days a week)

Email [helpline@sdafmh.org.uk](mailto:helpline@sdafmh.org.uk)

Website: [sdafmh.org.uk/](http://sdafmh.org.uk/)

#### Scottish Women's Aid

Scottish Women's Aid is the lead organisation in Scotland working towards the prevention of domestic abuse, and is the collective voice for 36 local member groups. Contact for your local group.

0131 226 6606

Website: [scottishwomensaid.scot](http://scottishwomensaid.scot)

#### Men's Advice Line

Help and support for male victims of domestic violence

0808 801 0327 Monday – Friday 9am-5pm

Email: [info@mensadvice.org.uk](mailto:info@mensadvice.org.uk)

Website: [mensadvice.org.uk/](http://mensadvice.org.uk/)

#### Child Poverty Action Group in Scotland

0141 552 0552 advice line for advisers on benefits and tax credits,

Monday to Thursday 10am to 4pm, Friday 10am to 12 noon

Email: [advice@cpagscotland.org.uk](mailto:advice@cpagscotland.org.uk)

*email advice for advisers on benefits and tax credits*

[cpag.org.uk/scotland/welfare-rights](http://cpag.org.uk/scotland/welfare-rights) for more information from CPAG in Scotland

CPAG publishes the *Welfare Benefits and Tax Credits Handbook*, a comprehensive guide to benefits and tax credits for claimants and advisers.

CPAG in Scotland's advice line is only for advisers. If you are having problems with your own tax credit or benefit claim and are in need of advice you should contact your citizens advice bureau or other local welfare rights service.

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