

FINANCIAL CONSIDERATIONS WHEN LEAVING AN ABUSIVE RELATIONSHIP

Response to the Social Justice and Social Security Committee's call for views

February 2025

Child Poverty Action Group (CPAG) in Scotland works for the one in four children in Scotland growing up in poverty. We collect evidence from families living in poverty and campaign for solutions to bring about a society where children have a fair chance in life free from hardship. We provide training, advice and information on social security to frontline workers to make sure families get the financial support they need.

2. How well do social security systems take account of domestic abuse? Do you have specific examples of social security rules and practices that need to change?

Gaps in the social security system mean that people escaping domestic abuse are not guaranteed to have the financial means they need. Evidence gathered through [CPAG's Early Warning System](#) has drawn attention to some of the gaps in the system including:

- People claiming benefits in a couple are unable to make a new claim for benefit as a single person without alerting their partner. Likewise asking for split payments will also alert the other partner.
- Very limited financial support for deposits or rent in advance
- Minimum five week wait for the first payment of universal credit
- Two-child limit can reduce awards of universal credit considerably
- Claims in respect of children can take months to be transferred from one parent to another if there is a dispute about who should receive it.
- Women being refused or having to wait for grants from the Scottish Welfare Fund

Support for deposits and/ or rent in advance

Discretionary housing payments can be awarded for deposits or rent in advance, but only if the applicant is already getting the housing costs element of universal credit, or housing benefit. This will not be helpful for someone planning to leave their partner, unless they are already getting one of these benefits. This is the only social security provision for deposits or rents in advance.

The Scottish Welfare Fund specifically prohibits grants being made for deposits and rent in advance.

Five-week wait for universal credit

The five-week wait for the first payment of universal credit is a serious barrier for people escaping domestic abuse; it can be even lengthier for survivors who have escaped without ID or who have no bank account due to economic abuse. In practice five weeks is often the minimum wait and represents five weeks from successful application. It may be possible to get an advance payment of universal credit, but this must be paid back from future payments and can cause ongoing financial hardship.

A woman recently fled domestic abuse without any ID. She needs to apply for universal credit. There is nothing in law that says an advance cannot be paid until ID has been verified, but in practice it is unlikely. (November 24)

Client separated from her husband due to domestic abuse and she needs to claim universal credit, but she does not have a bank account. She will not be able to make an online claim, so will have to contact DWP by phone for instructions on how to claim without a bank account. (July 2024)

Two-child limit

The two-child limit restricts additional amounts paid to support children in tax credits, housing benefit and universal credit, to the first two children in a family, unless an exception applies. Up until 6 April 2017 additional amounts could be included in awards of these benefits for every child in the family. The limit can represent a loss of up to £3445 per additional child per year.

There are some exceptions from the two-child limit including for a third and any subsequent child who was conceived as the result of rape or a coercive/controlling relationship. However, this exception does not apply if either of the first two children were born as the result as non-consensual conception, but the third or subsequent child was not.

We welcome the Scottish Government's commitment to mitigating the two-child limit as soon as possible¹ but recognise that families who have not applied for, or been granted an exception will continue to experience hardship in the meantime. If Scottish Government's mitigation covers all children affected by the two-child limit, this would negate the need for parents to disclose sensitive information about non-consensual conception in order to be granted an exception by DWP.

Work related requirements

A UC claimant may not have to look for or prepare for work for 13 weeks (26 weeks if they are the primary carer of a child) if they have experienced domestic violence in the preceding six months. The threshold for meeting this exemption appears to be particularly high - the claimant must:

- notify the DWP in the manner required
- not have been excused from work related requirements due to domestic violence in the previous 12 months
- not be living at the same address as the abuser
- provide evidence that their circumstances are consistent with someone who has experienced domestic abuse within the previous six months. This could be from a person acting in an official capacity, such as health care professional, police officer, social worker, employer union rep or someone from a domestic abuse charity or organisation. The claimant must have contact with them in the preceding six months in relation to a domestic abuse incident.

Lack of domestic abuse training, publicly available and promoted information often means that people are not made aware of this exemption.

Adviser supports several women who have experienced domestic violence and who don't speak English. The advice agency helps them make the initial claim but then sometime later they have a commitments review which they don't sign because they don't understand what their journal says and don't realise they are supposed to take action.

Scottish Welfare Fund

Moves into permanent accommodation, from temporary accommodation or refuge, are often delayed due to long processing times for community care grants for household essentials that are needed before the tenant can move in. It is common to hear of individuals being unable to move into a property until a community care grant is awarded – but there is an even greater degree of urgency when the family are fleeing domestic abuse.

A woman cannot move from one tenancy to another until she is awarded a community care grant. She is currently liable for rent in both tenancies, but universal credit will only pay housing costs for two homes in very specific circumstances, which she does not meet. She is moving due to harassment from her ex-partner but would only meet the criteria if she intended to return home, which she does not, as ex-partner will move back in as soon as she moves out. She has been advised to apply for a discretionary housing payment, which may or may not be awarded. (April 2023)

If a community care grant is awarded, it may not be for all the items required if local authorities are having to ration the amount of each award due to demand.

A client with two children and another on the way moved from one local authority to another to escape domestic abuse. She moved into a new build house. Scottish Welfare Fund awarded a community care grant for a fridge

but not for carpets as the local authority had moved to only paying awards for items that were considered 'high most compelling.' Carpets were not considered compelling. (November 2023)

Officials working for the Scottish Welfare Fund have told us that processing crisis grants is prioritised ahead of processing community care grants, due to the need for crisis grants to be paid at speed.

5. What are the particular barriers faced by those with No Recourse to Public Funds? And what can be done at a Scottish and local level to address these?

Most people from abroad are excluded from benefits because they are a 'person subject to immigration control (PSIC). PSICs are a large group that include:

- Unauthorised migrants
- Most asylum seekers
- People who have leave to be here but on condition that someone else supports them **and**
- People who have leave to be here but have no recourse to public funds (NRPF).

People with NRPF are a sub-set of PSICs.

PSICs are excluded from getting many benefits. For example, the Westminster government ruled that PSICs would be excluded from universal credit. There is some overlap between the list of benefits from which PSICs are excluded from and the list of public funds that those with NRPF cannot claim. For example, you cannot get universal credit if you are a PSIC - it is also a public fund. However Scottish welfare fund is also on the list of public funds, but PSICs are not excluded from getting it.

It is important to note the distinction as the exclusion from access to benefits is not limited to those who have NRPF but also those who are PSICs.

People with NRPF

A woman moved to the UK on a sponsored employment visa, married a UK national and gave birth to a baby who now has a British passport. The woman has since been made redundant and subjected to domestic abuse. The police were involved and the husband moved out. The woman now has a parent visa, but it states that she has NRPF. She's been given a notice to quit her tenancy as she has no means of paying the rent. (February 2024)

A tenant with 2 children was urgently re-housed by her housing association due to domestic abuse 4 months ago. She works part time for £800 per month and gets £141 from social work but has NRPF so has not access to any benefits. She is accruing debts with council tax, utilities etc as she has no means of paying them.

Other people to subject to immigration control who are unable to access benefits

An EU national with pre-settled status and her 3-year-old are facing destitution having fled domestic abuse. They have been refused UC and therefore will have no entitlement to the five family benefits either. (February 2024)

A person with a brain tumour who was subject to domestic abuse ceased to be entitled to any benefits when her visa expired. She has been told she must repay all the universal credit that was paid since then. (May 2023)

An asylum seeker and her 11-year-old left their accommodation due to domestic abuse. They are being temporarily accommodated by social work and have been referred to the foodbank but have no entitlement to benefits due to their immigration status. (February 2024)

What can be done at Scottish and at local level?

Fund to leave

CPAG worked alongside Scottish Women's Aid and Engender on a proposal for a dedicated 'fund to leave' that was piloted by the Scottish government in 2023/24. The discretionary payment was intended to:

- Provide an income from the date of leaving until the first payment of universal credit (and Scottish child payment)
- Be capable of being applied for prospectively without alerting a partner.
- Not undermine the claimant's privacy with other agencies or criminal justice bodies.
- Cover all children living with the claimant before and after separating from a partner.
- Meet immediate costs such as new accommodation, clothes replacement and food.
- Help a victim-survivor to prepare to leave their present home.
- Support adjustments to independence.
- Be compatible with payments to reflect additional costs and needs including for disabled women with higher livings costs.
- Include a recurring payment element to support an adjustment period for a designated time period before income or income replacement is available.
- Include a grant element to cover one off / initial costs such as clothing, toys or furniture.

Because it was a discretionary fund, that had not been added to the list of public funds, there were no restrictions of making payments to PSICs or people with NRPF.

We have not seen an evaluation of the pilot or been made aware of any plans to establish the fund on a permanent basis.

Scottish Welfare Fund

As noted above, the Scottish welfare fund is not available to people with NRTPF but can be paid to other PSICs. **We recommend that the Scottish Welfare Fund guidance is strengthened to this effect.**

Social work payments

COSLA has produced guidance for local authorities² which details support (financial and accommodation) that can be provided to PSICs and people with NRTPF, including payments under

- s.22 Children (Scotland) Act 1995³, and
- s.12 Social Work (Scotland) Act 1968⁴

Specific guidance should be developed in relation to supporting PSICs and people with NRPF who are escaping domestic abuse.

7. To what extent is it the role of government to ensure that someone's economic circumstances do not prevent them from leaving an abusive relationship?

In order for a woman to leave an abusive partner, she needs somewhere safe to go and the financial means to survive. Some women may not have any money, and if they do, they may not be able to access it.

95% of cases of domestic abuse involve economic abuse.⁵ This means that women trying to leave their partner may have no income of their own or be unable to access any money that they do have. Without access to money, it is very difficult to leave an abuser and access safety. Women who do leave, often leave with nothing, with no money for essentials, in debt and with poor credit ratings, with lasting impacts on their economic stability. For example:

A woman escaping domestic abuse had her claim for UC closed because she was unable to verify her identity. She claimed UC in England, but fled to Scotland (without any ID or paperwork) before her first ID check was scheduled. The ID check was rescheduled, for England again, the third check was arranged for Scotland, but 40 miles away and she was unable to get there. Her UC claim was closed for failure to attend the verification appointments.
(January 2024)

A 60-year-old woman left her marital home due to domestic abuse and is currently staying in a Women's Aid refuge. She needs to apply for benefits as she only has a small occupation pension of £100 per month and has no other income. She thinks she might have savings/capital in her name but can't be sure as her husband did not share any information about their finances with her.

A woman and her three children are in a refuge having left domestic abuse. The woman has shares in her husband's company which lead to her being paid dividends of varying amounts each month. Her husband controls the amount she receives and is using this to continue manipulating her. (October 2024)

Government should provide a safety net for citizens when they need it. Ensuring someone's economic circumstances do not prevent someone leaving an abusive relationship means:

- Providing **immediate relief** from destitution and poverty when they leave their current home for a place of safety because of domestic abuse.
- **Giving someone more time** to access integrated support to navigate the costs of a new life as ongoing needs are identified.
- People have the **option to leave** more quickly with the confidence their initial needs will be met.
- As a result, people **are less likely to return** to an abusive partner.

We referred to the Fund to Leave pilot in our response to question 5. CPAG, Scottish Women's Aid and Engender developed the proposal for a dedicated payment to support people to leave domestic abuse to:

- fill the gaps in the social security system identified in our response to question two,
- provide a single application/ source of contact to meet immediate needs, and
- respond instantly to support someone to leave an abusive relationship.

The issues in our response to question two should be addressed as part of a wider response to improving the social security system. However, the complexity of applying to multiple sources of support is still likely to be a barrier to people leaving abuse.

Contact

If you wish to discuss the content of this submission further, please contact:

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