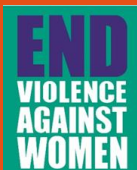




# Universal Credit & Financial Abuse

*Exploring the links*

June 2018



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**Written by Marilyn Howard**

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**The Women's Budget Group**

The Women's Budget Group is a network of leading feminist economists, researchers, policy experts and campaigners committed to achieving a more gender equal future. <https://wbg.org.uk/>

Contact: Mary-Ann Stephenson (WBG Director): [maryann.stephenson@wbg.org.uk](mailto:maryann.stephenson@wbg.org.uk)

**End Violence Against Women**

The End Violence Against Women Coalition is a leading coalition of specialist women's support services, researchers, activists, survivors and NGOs working to end violence against women and girls in all its forms. [www.endviolenceagainstwomen.org.uk](http://www.endviolenceagainstwomen.org.uk)

**Surviving Economic Abuse**

Surviving Economic Abuse is the UK charity raising awareness of economic abuse and committed to building the capacity of those who come into contact with victims and survivors of economic abuse and to respond. <http://survivingeconomicabuse.org/>

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## Summary and recommendations

This report focuses on the Universal Credit single payment. The Women's Budget Group (WBG), along with other organisations, has concerns about other aspects of Universal Credit that have implications for women, and for survivors of domestic abuse. These issues are to be explored in WBG's future work.

In this report we define financial abuse as a pattern of coercing and controlling behaviour that control a partner or family member's ability to acquire, use and maintain financial resources<sup>1</sup>. Financial abuse often takes place with other types of domestic abuse, such as economic (involving access to food, telephones, transport), psychological, physical and sexual. Economic abuse (encompassing financial abuse) is included in the Government's proposed statutory definition of domestic abuse.

### The Universal Credit single payment per couple - pages 7-9

- Universal Credit requires couples to nominate a single bank account. The Government argues that: this can help couples see clearly the effect of their decisions about work on total household income; decisions are best made by the family, not government interference; few couples manage finances separately; and a joint account might allow both partners access.
- The Women's Budget Group is concerned that the single payment could result in less equal couple relationships, and risks further financial abuse. The reduction of women's financial autonomy could result in main carers (usually in practice mothers) losing clearly-labelled child payments, which currently are often paid separately and can provide a lifeline to survivors of domestic abuse.

### Financial abuse – pages 9-12

- Financial abuse involves a pattern of behaviour in which one partner controls the other's ability to acquire, use and maintain money and financial resources. Economic abuse refers to control of a wider range of resources (such as food). Both types of abuse often occur with other types of domestic abuse such as psychological, emotional, physical and sexual. Financial abuse is part of the crime of coercive control, and economic abuse is proposed by the government as part of a new statutory definition of domestic abuse.
- Financial abuse could affect as many as one in five adults. It is experienced differently by women and men; for women abuse lasts for longer and also occurs post-separation. Financial abuse is not always recognised (by the survivor or agencies) but is included in the crime of coercive control. The consequences of financial abuse include mental and physical health problems and being without money importantly means that the survivor cannot afford to leave an abusive partner.

### Inside the household – pages 12-16

- A focus on households rather than the individuals within it can lead to assumptions that resources are fairly shared between couples. However, research by Women's Budget Group members and others highlight that this is not always the case, even where a couple says their finances are jointly pooled. Studies looking at experiences of individuals within a household highlight that one person (often the woman) can be deprived of essential items to a greater extent than their partner.
- Some forms of control over finances (such as being given a small, insufficient housekeeping allowance and having to ask for more) may suggest particular vulnerability to financial abuse.
- Where there is some financial dependence on a partner, relationships can be unequal and unbalanced, even if not abusive. Whist perpetrators are clearly to blame when abuse takes place, the Government can take steps to ensure that benefit arrangements do not facilitate abuse nor

condone inequality in relationships that may not (yet) be abusive, as gender inequality is both a cause and consequence of abuse.

- Low-income families often have multiple and frequent changes of circumstances, many unrelated to work, which the Universal Credit monthly assessment does not deal well with.

### **Financial autonomy – pages 16-19**

- Financial autonomy includes independence (having an independent income and a sense of ownership and not having to ask for money); privacy (being able to conduct financial affairs without surveillance or control) and agency (being able to make decisions and have access to money via a bank account).
- Universal Credit could reduce financial autonomy across all three aspects, through the single payment nomination and joint, online Universal Credit accounts.
- Independent incomes for women are better achieved through individual entitlement to earnings and non-means-tested benefits.

### **Universal Credit couple claims and payments – pages 19-22**

- Concerns about the single payment relate the removal of specially labelled and separately paid tax credits for children, which also improved women's bargaining power; and rules for joint claims which mean there are some joint responsibilities as well as individual ones, and where most of each partner's online Universal Credit account can be accessed by the other.
- There is little information so far on which bank account is being nominated by couples, though some early data suggested that the woman's account is being nominated more frequently than the man's. Under previous out-of-work systems the man tended to be the claimant and for Child Tax Credit this was mainly the woman, as the main carer.

### **Alternative Payment Arrangements and split payments by exception – pages 22-26**

- Recognising that a single, monthly payment could cause budgeting difficulties for some claimants, the Department for Work and Pensions developed Alternative Payment Arrangements such as more frequent payments, direct housing payments to a landlord and splitting an award between the two members of a couple. Split payments are only available in exceptional circumstances where there has been financial abuse or mismanagement, or domestic abuse. These are discretionary and temporary.
- Whilst providing some recognition of financial abuse within Universal Credit, there are concerns that 'exceptional' split payments require disclosure of abuse, which many survivors are reluctant to do, and having a split payment may make the abuse worse. The numbers requesting split payments are small and there is no detail about their circumstances or reasons for applying.
- Split payments within legacy out-of-work benefits had similar 'exceptional' conditions, and apparently few applications. However, a comparison between Universal Credit and the previous system entails looking at all tax credits and benefits it replaces, including the former routine separation of child and adult payments.
- Consideration could be given to making split payments available for more generic reasons such as to help with budgeting, which could be an interim measure on the way to separate payments or run alongside them as an alternative to mandating a particular form of separation.

### **Dual nomination and separate payments – pages 26-32**

- Instead of the single account with 'exceptional' split payments, each partner could nominate a bank account, enabling separate payments to be made as routine. Online Universal Credit accounts could

also be separate, only re-linked at DWP. An 'opt-out', either for a single payment or for a different split of UC between the couple, could be available on request, which could give DWP an additional opportunity to identify issues such as financial abuse or other needs, and to refer to support services.

- Separation would give some indication of individual responsibilities and contribute towards creating a new norm indicating equality and zero tolerance of financial abuse. It could also help to promote equality and stability within relationships, facilitating opportunities to discuss finances, and lead to greater financial autonomy, through offering each partner the chance to receive a payment; the privacy of a separate online Universal Credit account; and improving the agency of both partners through each being able to have their own bank account and so having to discuss with their partner how their income is spent.
- When considering how to apportion any separate payment, options should aim, as far as is possible, to narrow the scope for financial abuse, help to ensure that money for children is spent on them, promote the financial autonomy of each partner, improve work incentives and be transparent. Options that could be further developed include a 50/50 split; payment of child element to the lead carer; and payment of other elements to the person who qualifies for them. A process of developing these could include bringing together DWP analysts and relevant expert groups, trialling different options as part of Universal Credit roll-out, and researching the impact of options on preventing financial abuse.

### **Gender impacts of Universal Credit - pages 32-36**

- Gender affects social security as men and women are still placed differently in the labour market, in relation to benefit entitlement conditions and in the family. More women will be affected by Universal Credit as it rolls out, and when recipients of existing benefits are migrated across.
- The Equality Act obliges public bodies to give due regard to equality considerations as part of their policy-making. This is to help understand potential equality impacts and to address these. However, UC Equality Impact Assessments have been criticised as inadequate and out of date (the last published in 2011), so a new and more comprehensive approach is needed.
- The Women's Budget Group is also concerned about other aspects of Universal Credit such as monthly payment and assessment, application of conditionality requirements, limited work incentives for second earners, lack of uprating so benefits lose value over time, and the two-child limit.
- Other issues of concern regarding domestic abuse and benefits include conditions for and application of the Domestic Violence Easement, the No Recourse to Public Funds rule and Destitute Domestic Violence Concession, Benefit Cap, Housing Benefit restrictions, issues with claiming Child Benefit and other benefits after leaving an abuser.

### **Recommendations**

The Department for Work and Pensions (DWP) should:

#### **In the short term:**

- Gather evidence on the nature and extent of applications for split payments in Income Support and Jobseeker's Allowance, and Universal Credit;
- Set up a working group, similar to the Support and Exceptions Working Group which helped to develop Alternative Payment Arrangements, to consider how each partner can nominate a bank account and to develop options for apportioning Universal Credit to each member of a couple, alongside criteria for evaluating such options;

- During the remainder of Universal Credit roll-out, test out different options for separate payment to each member of a couple, as recommended by the Parliamentary Joint Human Rights Committee in 2015;
- Keep each partner's online UC account separate so that each inputs bank account details, and the accounts are only linked by the Department for Work and Pensions;
- Develop a revised, updated Equality Impact Assessment as suggested by the Equality and Human Rights Commission, including a detailed gender analysis drawing on external expertise such as the Commission, the Women's Budget Group, End Violence Against Women coalition, Surviving Economic Abuse;
- Improve and extend training on domestic abuse, including financial and economic abuse specifically, in the light of proposals in the 2018 cross-government consultation on domestic abuse to include economic abuse within a statutory definition of abuse;
- Provide a safe space for survivors to disclose abuse, locate a domestic abuse 'lead' in every Jobcentre office, and set up strategic level liaison meetings with local specialist domestic abuse services and ensure their inclusion in universal support services;
- Ensure that non-means-tested benefits, such as contributory Employment and Support Allowance and Jobseekers Allowance, and Carers Allowance, remain payable outside UC, and that even when entitled to UC claimants are encouraged to claim these benefits separately, because they can support an independent income for women.

**In the medium term:**

- Tackle other aspects of Universal Credit which disproportionately affect women, such as the weak gains from entering or progressing in employment for many second earners;
- Remove the two-child limit in Universal Credit and Child Tax Credit.

**In the longer term**

- Consider stripping out child elements from UC and making them non-means-tested (perhaps as an increase to Child Benefit), and return to payment to the person mainly responsible for the care of the child/ren.

## 1. Introduction

The Women's Budget Group (WBG) scrutinises government policy from a gender perspective, and has been concerned about the gender implications of Universal Credit (UC) since its introduction<sup>2</sup>. This report highlights one aspect of the intersection between UC and financial abuse – the single payment.

UC contains other features which have implications for gender equality and for survivors of domestic abuse; for example:

- Combined with cuts to the work allowance, UC weakens incentives to enter employment or to earn more for many 'second earners' (often women).
- Whilst designating one partner as the lead carer in UC recognises caring for a child, this, together with the emphasis on getting one partner in workless families into paid work, can polarise a couple's choices through assuming that one is the carer and the other the earner. This can create (different) pressures for both, including the non-lead carer feeling solely relied upon to meet conditions for all family<sup>3</sup>.
- Monthly assessment and payment, delays and waiting periods can particularly affect women in couples, as they are often the 'shock absorbers' of poverty, shielding their children from poverty, also reflecting structural factors associated with women's economic dependence<sup>4</sup>. Rules that exempt survivors of domestic abuse from work-related conditionality are inconsistently applied and unavailable when the survivor is still living with an abusive partner<sup>5</sup>.

There are also wider social security issues affecting women and affecting domestic abuse survivors, outlined in section 9. Whilst this report focuses on the UC single payment specifically, the WBG is equally concerned about these wider issues and will be publishing material on them in the future.

### Other preliminary points

- In this report we distinguish between **people who are still living with their partner and those who have left**. Rules for joint claims and the UC single payment only apply when a survivor of domestic abuse is living with their partner. After fleeing domestic abuse, survivors are no longer a member of a couple and so can claim UC in their own right. However, the consequences of abuse often follow, such as a former partner's debt liabilities and rent arrears affecting housing and housing costs; and the perpetrator's continuing abuse, which may involve manipulation of benefit rules to the detriment of the survivor. We use the term 'survivor' to refer to survivors of domestic abuse who are still living with an abusive partner; and 'survivor post-separation' after they have left.
- Because of its focus on the UC single payment, this report mainly concerns **working age couples** rather than on lone parents or other family types. We recognise that nine out of ten lone parents are women<sup>6</sup> and many (perhaps three or four in ten) have experienced domestic abuse from a former partner/partners<sup>7</sup>. Benefits like UC need to be sensitive to different family forms, such as those listed in the Government's Guidance on the Family Test<sup>8</sup>, which include couple relationships (marriage, civil partnerships, cohabitation and those living apart, together); lone parent families and



relationships with a non-resident parent; parent and step-parent relationships; relationships with fostered and adopted children; extended families.

- UC rules about couples apply to **same sex relationships as well as those with opposite sex partners**. Much of the research referred to in this report concerns male and female partners, the male partner often having more power and resources. These older studies may not reflect the diversity of relationships today or changes over time. For example, domestic abuse is not exclusively perpetrated by men on women; but for members of each sex, their experiences are gendered, a product of unequal social structures and relationships, and therefore different.
- **Poverty is a gendered concept**, as experiences differ between men and women not because of individual characteristics but because of wider social structures and power relations, creating unequal access to resources<sup>9</sup>. Poverty is associated with domestic violence<sup>10</sup> but in complex ways<sup>11</sup> and the association may be in both directions<sup>12</sup>.
- **Gender inequality, including wider economic inequality, is both a cause and consequence of domestic abuse**<sup>13</sup>. Some statistics suggest that men and women have similar risks of domestic abuse; however, different surveys measure distinct kinds of violent behaviour within intimate partner relationships, which vary for men and women<sup>14</sup>. Women are more likely to experience domestic abuse than men, and in different ways<sup>15</sup>; women are more likely to experience more severe and repeated abuse<sup>16</sup>, so there is greater gender symmetry at lower levels of violence<sup>17</sup>. The Government has also framed its 2018 consultation on the basis that domestic abuse is 'disproportionately gendered'<sup>18</sup>. The WBG endorses the Women's Aid position that domestic abuse against women is rooted in the unequal status of women in society and how concepts of gender and family are constructed; domestic abuse perpetrated by men against women is a quantitatively and qualitatively distinct phenomenon rooted in women's unequal status in society and oppressive social constructions of gender and family<sup>19</sup>.
- As noted above, financial abuse is one aspect of domestic abuse, and concerns a pattern of behaviour which seeks to control the partner's ability to acquire, use and maintain financial resources. This report focuses on **financial abuse within intimate partner relationships**, rather than within other family or close relationships (for example, one family member financially controlling another or a paid carer abusing older people, which are the subjects of wider literature). Hence our focus is primarily the UC single payment to couples being paid into one bank account.

## Report contents

This report starts with outlining arguments for and critiques of the single UC payment, then considers the nature and prevalence of financial abuse and its consequences. It goes on to consider how a household focus can ignore individual experiences of poverty and dependency, raising some potential links with financial abuse; then looks at a framework of financial autonomy (covering independence, privacy and agency) and the risks posed to all three by UC. This is followed by a discussion of UC couple claims, in particular the labelling of payments (especially for children) and joint claims. The report then explores Alternative Payment Arrangements (APAs), set up by the Department for Work and Pensions (DWP) to help claimants to manage the single monthly payment, and the problems with having a split

payment as an exception on the grounds of abuse. Arguments for a default separate payment, and options for apportioning UC, are then discussed. The final section reviews the gender impacts of UC and highlight other issues within UC and the wider social security system which have implications for women and for domestic abuse survivors.

## 2. The Universal Credit single payment per couple

Universal Credit (UC) rules require that payment be made to one nominated bank account, except in exceptional circumstances. Since 2011, the Department for Work and Pensions (DWP) has put forward several reasons for UC to be paid to one account. The paragraphs below refer to these reasons, mainly from the payment proposal briefing<sup>20</sup>, and the WBG's response to these:

- **A single payment can help households to see clearly the effects of their decisions about work on total household income:** UC is expected to 'mimic' wages so that people adjust to monthly payments as they would to a wage. However, UC is not a wage, nor are wages jointly owned or jointly assessed. UC can be paid in addition to a wage and other benefits<sup>21</sup>, and where both are working a family will receive two wages. Wages are based on the individual's work, not their family circumstances (which was the argument for introducing Family Allowances<sup>22</sup>); and a salary is not expected to be paid into the worker's partner's bank account.
- **Decisions over household budgeting are best done by the family, not government interference:** A single payment is said to enable money management within households<sup>23</sup>, though how this is so is unclear; and there is no evidence to suggest that the existence of two payments (such as Working Tax Credit and Child Tax Credit) has had a negative impact on money management. Requiring couples to nominate one account could also be regarded as 'interference', rather than allowing couples to choose the method of payment. Indeed, separate payments could strengthen responsibility, by allowing both members of couple to develop financial capability and work readiness by handling money themselves<sup>24</sup>.
- **Few couples manage finances separately:** The payment proposal and subsequent written answers have quoted figures that only 2% of married couples and 7% of cohabiting couples have completely separate finances. As WBG has previously pointed out, this seems to come from the 2008 Families and Children Study, which only refers to couples with children and was not based on a full interview with partners<sup>25</sup>. But the key issue with the UC single payment is which account it is paid into; there is no simple equation between the type of bank account and financial management.
- **Directing [UC] payments to a joint bank account might allow both partners to have access to the money:** Couples nominate a bank account into which benefit can be paid, which can be a joint account in both names or a single account in one partner's name<sup>26</sup>. If the couple cannot agree which account to nominate, the decision maker decides (who may nominate payment to be made, either to the main carer or, if there are no children, to the person responsible for paying the bills<sup>27</sup>). Hence UC does not mandate payments into a joint account, so the relevance of this argument is unclear. In any case, an assumption that each partner has equal access to a joint account is not always borne out in practice (discussed in section 5 below).

The DWP's own research into public and claimant perceptions about UC found that whilst many accepted the principle of joint claims and one payment, there was concern about the impact on those with 'less stable or problematic relationships' (with domestic abuse given as an example)<sup>28</sup>. Respondents also felt that the single payment for a couple could result in a 'purse to wallet' transfer by which payments previously made to the main carer (often the woman) for children (e.g. Child Tax Credit) would end up with men under a single UC, and that some men would misuse or otherwise not share the benefit with their partners or children.

### **WBG concerns about the UC single payment**

The WBG has argued that paying UC into one bank account does not match the direction of change in couples' financial arrangements, nor mimic how many couples receive wages. The single payment policy may mean greater economic dependence of one partner on the other, potentially reinforcing what was traditionally seen as a 'male breadwinner' model<sup>29</sup>. Concerns include:

- Payment of UC to one partner's bank account could result in less equal couple relationships, as it could concentrate resources and power in the hands of one at the expense of the other, potentially reinforcing a 'male breadwinner' model<sup>30</sup>. If UC is paid to the higher earner, women in the lowest tenth of incomes could lose an estimated £3,650 per year on average<sup>31</sup>. As the Parliamentary Joint Committee on Human Rights stated, the UC single payment potentially reduces the financial autonomy of women<sup>32</sup>.
- Where one partner is financially controlling, a partner (often the woman) who is experiencing financial abuse may be unable to find the money to leave the relationship, potentially putting women and their children at greater risk of abuse, and for longer periods<sup>33</sup>. Some press reports indicate that UC is 'enabling' some financial abuse; one woman's former husband used UC as a chance to "take the reins" of her finances, going on to physically drag her to the bank to take out loans in her name against her will<sup>34</sup>. Another woman found that the UC single payment was made into the abuser's account, who 'allocated' a tiny amount to her each month<sup>35</sup>.
- Ending separate payments for children goes against evidence that showed labelling payments as being intended for children and paying them to the main carer make it more likely that they will be spent on children<sup>36</sup>, as well as giving women greater bargaining power<sup>37</sup>. These payments can also be an important source of income for women in abusive relationships.
- Payment to one person may mean that the other partner has fewer opportunities to gain or practise financial capability<sup>38</sup>.

### **Other organisations' concerns about the UC single payment and the risk of financial abuse**

The WBG is concerned about the potential for a single payment to increase the risk of financial abuse. Such concerns have also been expressed by women's organisations such as Women's Aid, Refuge, and the Fawcett Society. Other bodies expressing concern include the Parliamentary Joint Committee on Human Rights<sup>39</sup> and the All Party Parliamentary Group on ending homelessness<sup>40</sup>. A Private Member's Bill on UC includes provision for separate payments to be the norm<sup>41</sup>.

The Government has ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), though it has taken no action since the last CEDAW review in 2013 urged the UK to adopt protective measures against potential exploitation of UC by an abusive partner<sup>42</sup>. In the next section we consider financial abuse in more detail.

#### **Summary points: The Universal Credit single payment per couple**

- Universal Credit requires couples to nominate a single bank account. The Government argues that this can help couples see clearly the effect of their decisions about work on total household income; decisions are best made by the family, not government interference; few couples manage finances separately; and a joint account might allow both partners access.
- The Women's Budget Group is concerned that the single payment could result in less equal couple relationships, and risks further financial abuse. The reduction of women's financial autonomy could result in main carers (usually in practice mothers) losing clearly-labelled child payments, which currently are often paid separately and can provide a lifeline to survivors of domestic abuse.

### **3. Financial abuse**

There is no official definition of financial abuse, but it involves a pattern of controlling behaviour in which one partner seeks to control the other's ability to acquire, use and maintain financial resources<sup>43</sup>.

There may be a distinction between situations in which a pattern of behaviour exists and where it is less evident. For example, an Australian study has highlighted the difference between financial abuse used by a perpetrator as part of a pattern of controlling behaviour to ensure that their personal needs are met within the relationship, and those who enter into a relationship with the primary objective of taking money and financial assets from their partner<sup>44</sup>.

Financial abuse often takes place alongside other forms of domestic abuse such as psychological, emotional and physical.

- In one survey, 82% of those experiencing financial abuse also encountered other forms of abuse (this may explain why a third of financial abuse survivors, especially women, kept silent, telling no-one)<sup>45</sup>.
- However, literature tends to emphasise other types of abuse and, as in the US, financial abuse can be regarded as part of psychological or emotional abuse<sup>46</sup>.
- Another survey found that 90% of respondents had experienced all three forms of abuse – financial, emotional and psychological<sup>47</sup>. Survivors had different accounts about which type of abuse came first.

#### **Financial abuse, economic abuse and the offence of coercive control**

'Economic' abuse has been regarded as much the same as 'financial' abuse, though the latter could be seen as a subset of economic abuse (financial abuse involving money and financial resources specifically, with economic abuse referring to other economic resources such as food and phones<sup>48</sup>).

Since 2015, coercive control has been a criminal offence; this involves

*‘a purposeful pattern of behaviour which takes place over time in order for one individual to exert power, control or coercion over another’<sup>49</sup>.*

Financial abuse is included in Home Office Guidance as an example of behaviour associated with coercive control<sup>50</sup>. Researchers have found examples of economic abuse in two-thirds of successful prosecutions of coercive control, suggesting that there is now a route to address actions which previously fell short of being a crime<sup>51</sup>. The Government’s 2018 consultation on domestic abuse proposes to introduce a new statutory definition which would cover economic as well as financial abuse<sup>52</sup>.

### Prevalence of financial abuse

It is difficult to establish the extent of financial abuse specifically. Criminal justice statistics identify ‘non-physical’ partner abuse (emotional, financial) but with no further breakdown by type<sup>53</sup>, and miss aspects of coercive and controlling behaviour such as financial abuse<sup>54</sup>. Hence quantitative data on financial abuse is hard to find<sup>55</sup>.

A survey of 4,000 adults found that one in five experienced financial abuse. Women were more likely to experience abuse than men<sup>56</sup>:

- Women’s experience was likely to last longer, coincide with key life stage events (such as moving in with a partner), and occur over multiple relationships and also post-separation. Men were also more likely to experience single incidents of economic exploitation rather than financial control.
- Most of those experiencing financial abuse were in heterosexual relationships (88%) but gay men were more likely than lesbians to report financial abuse to researchers.
- Women who were financially abused were more likely than abused men to live in a household whose income was less than £10,000 or between £20,001 and £50,000 per year, and half of women reporting financial abuse had personal incomes below £20,000 annually.

However, financial abuse can happen to anyone at any income level. The Women’s Aid/TUC research found that for high income or professional women, there were fears that where their partners were in well-respected positions, and the survivor herself was in a professional occupation, they would not fit the ‘stereotype’ of an abused woman and so faced additional problems of not being believed<sup>57</sup>.

The Women’s Aid Annual Survey 2016 found that financial abuse affected over half (54.5%) of women using refuge services and a quarter (25.4%) of community services users sampled.

### Experiences of financial abuse

Three different elements of financial abuse can be identified<sup>58</sup>:

1. Control (e.g. monitoring the woman's ability to use her resources);
2. Sabotage (e.g. stopping her working);
3. Exploitation (i.e. using her money, generating debts).

A survey of survivors found that 'control' was experienced by 97% of survivors surveyed, 'sabotage' by 89% and 'exploitation' by 87%<sup>59</sup>.

Financial abuse takes different forms, and include the perpetrator taking out credit and running up debts in the partner's name; using financial control to prevent the partner escaping abuse; stopping a partner from getting or keeping a job; making the partner give up control of bank accounts, wages or other sources of income; stealing or demanding money or assets; forcing a partner to ask for money, to account for every penny spent, and/or not keep money for themselves or the children; forcing a partner to commit fraud; and refusing to contribute to household costs<sup>60</sup>. Another example of financial abuse is being given an allowance for household spending, often having to account for such spending, and having to ask for more when the amount is not enough<sup>61</sup>.

Abusers may prevent the survivor from meeting eligibility conditions for benefit, e.g. perpetrators controlling her movements and not allowing her to attend appointments or calling the Jobcentre to tell them that the claimant was unwell and unable to attend their appointments<sup>62</sup>. Even when the couple is no longer living together, the abuser may report the survivor post separation to the DWP for failing to meet benefit conditions.

Disabled people (especially women) were also more likely to experience financial abuse (with some abusers exploiting the survivor's disability benefits<sup>63</sup>). Those facing immigration controls face particular barriers to income and support<sup>64</sup>.

Women entering Britain as non-nationals could also be financially exploited by a partner (either because they did not understand the UK system or because their partner may have a better chance of making a successful claim); this cuts off access to money for such women, making them completely dependent on their partner for money and information<sup>65</sup>.

Financial abuse is not well recognised by agencies, or sometimes even by the survivor themselves<sup>66</sup>, and many survivors told no-one<sup>67</sup>. In one study, only two in five people experiencing financial abuse recognised this from the outset of the relationship<sup>68</sup>.

## **Consequences of financial abuse**

The impact of financial abuse can be long term, and includes deteriorating mental health, especially where partners were 'gas-lighting' (manipulating someone to make them doubt their own memory and perceptions). It also includes the creation of debt and poor credit rating, and survivors going without money and items for themselves and their children. Benefits and tax credits intended for the family as a whole, or for the survivor, can become additional income for the perpetrator<sup>69</sup>. In particular for disabled women, this can mean having no access to benefits paid in respect of their disability<sup>70</sup>.

Being without an income can increase women's vulnerability to violence generally by increasing their exposure to violent situations and reducing their ability to escape<sup>71</sup>. In one survey, one in five respondents answering a question about impacts of financial abuse agreed that 'I don't have any money of my own, so I can't leave'<sup>72</sup>. Thus, financial abuse experienced within a relationship can affect the ability to flee from violence, as lack of financial independence can delay or prevent women leaving their abusers<sup>73</sup>.

Mothers experiencing violence are more likely to become lone parents, are less likely to be earning independently and more likely to report their families getting into financial difficulty<sup>74</sup>.

In the next section we look at the implications of the common assumption that resources within a household are fairly shared, both in the context of financial abuse and for couple relationships more widely.

#### **Summary points: Financial abuse**

- Financial abuse involves a pattern of behaviour in which one partner controls the other's ability to acquire, use and maintain money and financial resources. Economic abuse refers to control of a wider range of resources (such as food). Both types of abuse often occur with other types of domestic abuse such as psychological, emotional, physical and sexual. Financial abuse is part of the crime of coercive control, and economic abuse is proposed by the government as part of a new statutory definition of domestic abuse.
- Financial abuse could affect as many as one in five adults. It is experienced differently by women and men; for women abuse lasts for longer and also occurs post-separation. Financial abuse is not always recognised (by the survivor or agencies) but is included in the crime of coercive control. The consequences of financial abuse include mental and physical health problems and being without money importantly means that the survivor cannot afford to leave an abusive partner.

## **4. Inside the household**

Assumptions are often made that resources going into a household are likely to be fairly shared by a couple. But as we have seen in the previous section, financial abuse dramatically refutes the assumption of fair sharing.

### **Household focus neglects individual experiences**

Poverty is often measured at household level, masking differences between its individual members. Unequal distribution of household resources can result in 'hidden' poverty, in the present and into the future<sup>75</sup>. One study of EU countries showed greater gender imbalance in poverty using individual rather than household measures<sup>76</sup>.

There is a body of research (both sociological and economic) concerning the distribution of resources between members of a couple<sup>77</sup>. WBG members have investigated the potential for unfair sharing of resources and hidden poverty within households and the tendency for women (particularly mothers) in low-income households to bear the responsibility of managing on limited resources<sup>78</sup>.



## Sources of income and their meanings

Money can have different social meanings<sup>79</sup> and its source can be valued differently:

- Men's employment income can be regarded as more important than women's<sup>80</sup>.
- A study of couples claiming Income Support (IS) and Jobseeker's Allowance (JSA) found that income from earnings carried a stronger sense of individual ownership than benefits. The named claimant in the case of JSA (usually the male partner) was thought to confer entitlement on that individual because they were job-seeking in return<sup>81</sup>.

## Different ways of managing money in households

After income is paid into the household, couples vary in how they manage their finances.

- For couples on benefits, control can operate at different stages: when money enters the household, when decisions are made, when allocating uncommitted income, and when influencing spending priorities within allocation practices<sup>82</sup>. Where benefit income was divided on traditional gender lines the disadvantage to female claimants depended on how money was handled when it entered the household, who managed and controlled it, and the extent to which it was seen as money for the whole household. How money was labelled could influence how it was perceived and spent.
- Hence once a UC single payment reaches the couple, it could be distributed in any number of ways, as highlighted in a study of couples claiming IS and JSA which found that different payments claimed by each partner did not determine the allocation of income to partners or particular spending<sup>83</sup>. This suggests that extending the UC right to nominate a bank account to both partners (rather than just one) will not necessarily have an impact on how money is distributed between partners after it has been received, and so cannot alone prevent abuse; but can signal that UC entails both individual and joint responsibilities, indicating an expectation that each partner contributes to meeting household expenses, without dictating how these are handled in practice.

Research into distribution of household incomes, originally on opposite sex married couples, has shown that women often have less power over decision-making in some households. Pahl<sup>84</sup> developed a typology of money management - female sole responsibility, male sole responsibility, the man giving the woman a housekeeping allowance, joint pooling and independent management. Subsequently Vogler<sup>85</sup> found that female-managed systems were associated with the lowest income levels, and husbands managing money were likely to have more power over decision-making:

- In *housekeeping allowance* households, wives had higher levels of individual deprivation and less well-educated husbands with traditional attitudes to gender roles ('male breadwinner' model)<sup>86</sup>.

The Poverty and Social Exclusion (PSE) survey, using both individual and household data<sup>87</sup>, found that:

- 54% of couples managed finances jointly;
- 24% of couple finances were managed by the women (except for partners' personal spending); and
- 12% were managed by the male partner;



- In 6%, the woman was given an allowance for housekeeping<sup>88</sup>.

More 'independent' finances appear to be more common in couples who are younger, cohabiting (rather than married) or in same sex relationships<sup>89</sup>.

### **Jointly pooled systems do not imply equal sharing**

One study found that, even when describing finances as 'joint', when asked who has ultimate responsibility for money management and paying the bills, the proportion where both says this is joint drops by over 10%<sup>90</sup>. In a European study, assumptions of income pooling were thought to be unfounded in 30% of cases<sup>91</sup>. Under pooled systems, the PSE survey found that more women than men (23% and 17% respectively) felt they went without items more than their partner.

- What women spend on the family and the household may be seen as their personal spending, whereas men's spending on themselves may be seen as family spending<sup>92</sup>;
- In one qualitative study, joint management sometimes meant that the man was responsible for household bills and rent whilst women managed shopping<sup>93</sup>.

### **Money management and financial abuse**

As noted above, financial abuse is part of a pattern of power and control, undertaken deliberately in order to disrupt a partner's financial independence, also limiting their options to leave and rebuild their lives free from abuse<sup>94</sup>. Whilst female controlled money management systems are strongly associated with low incomes<sup>95</sup>, male-managed systems may be more significant where there is domestic abuse. There seems to be some association between a male-controlled housekeeping allowance and greater vulnerability to financial abuse, though more research is needed to explore this:

- An example of financial abuse given in Home Office Guidance on coercive control includes being given such a small level of allowance so as to be 'punitive'<sup>96</sup>.
- A Northern Ireland qualitative study in the 1980s found that when lone parents were living with their former partners, compared to those who were not abusers, violent men were more likely to adopt 'husband' control of finances and were least likely to use joint management.<sup>97</sup>
- More recently the PSE study found that 18% of women in households with *housekeeping allowance* and *male-controlled* systems thought they were going without more than their partners (and no male respondents reported that either they or their partner went without items).

### **Unequal relationships**

As discussed above, financial abuse and other forms of domestic abuse can affect significant numbers of people, though as it is often unrecognised, may be regarded as something which only happens to a

minority. Nonetheless there are other ways in which couple relationships may be unequal, which fall short of being abusive.

- Where one member of a couple has no income of their own, or has a much lower income than their partner, they can be financially dependent. Such dependency involves a lack of control over resources, lack of rights and inequality in household decision-making, and a sense of obligation towards a (often male) provider and what money should be spent on<sup>98</sup>.

Financial dependency may trap women in relationships which, even if not abusive or unequal at the beginning, carry the risk of becoming abusive over time.

Research into low-income families can uncover financially unequal relationships, which may not be recognised as financial abuse, but respondents' accounts are strikingly similar to how survivors post separation describe the abuse they experienced to researchers investigating domestic abuse.

- For example, one qualitative study of 30 black and minority ethnic (BME) mothers in Tyne and Wear found that many had limited access to money, some having so little access to income that their husbands controlled virtually all of their lives<sup>99</sup>. In most families, the man was a wage-earner and often had the final say. Three areas of conflict were the amount of money each partner contributed to the household, who had control over spending and decision-making, and women's paid work. In a third of households the father received Child Benefit and Child Tax Credit (CTC), often when the woman had come to the UK to get married and so was unaware of the UK system.

Associated with this, social security arrangements can make a difference; for example, means-testing can alter the balance of power in claimant couples. In one qualitative study, though accepting that common household *expenses* should be a joint responsibility, the assumption that couples should automatically lose their right to claim as individuals was contested by claimants, some being concerned that this alters power relations in couples<sup>100</sup>. Means-testing can also undermine relationship stability in couples and potentially deter lone parents from re-partnering<sup>101</sup>.

Receiving some income of one's own, even if for a specific purpose or of a very low amount can empower women<sup>102</sup>. Conversely, social security design can also create inequalities that did not exist before, as in the change of nomination from the main carer for CTC to a single nomination for UC.

Crucial to this issue is distinguishing between the intentionality of abuse and what may become abuse because of system design. The perpetrator of abuse is deliberately manipulating resources to control the survivor and should clearly be held to account and punished for such behaviour. But as domestic abuse is both a cause and consequence of gender inequality, structural arrangements such as social security design can have implications for gender equality, in turn affecting abuse. Whilst not responsible for the abuser's actions, government policy (such as the single UC payment) can be seen as facilitating abuse, and perpetuating inequality between partners. Therefore, there is a role for Government to reduce or mitigate the extent to which 'state-generated' abuse may occur.

Other policies beyond UC are needed to tackle domestic and financial abuse, as illustrated in the Government's recent consultation on domestic abuse.

## Changing household circumstances

UC aims to be a simpler system, but with features such as monthly assessment, the link between changed circumstances and benefit reflecting the new situation is reduced.

With any means-tested benefit, entitlement depends on the income and earnings of both members of a couple, family needs and costs such as for housing and childcare; and how and when to take account of changes in income and circumstances are key design issues<sup>103</sup>. Low-income families often experience multiple and frequent changes of circumstances such as alteration in type or amount of income, housing costs, and household composition (for example lone parenthood lasts for 5 years on average<sup>104</sup> and over a third of first cohabitations lasted for less than two years<sup>105</sup>). Some changes are also inherently short term or unstable (such as children in separated families living with one parent and then moving to live with the other<sup>106</sup>). With UC monthly assessment, if claimants report a change of circumstances before their assessment date it will apply for the whole of the month prior to that date. Hence UC is likely to be more responsive to wages (via the Real Time Information system) than other changes, and so may be unpredictable, making it more difficult for claimants to budget<sup>107</sup>. UC was intended as a 'dynamic' benefit in relation to the labour market, focussed on changing 'pro-work social norms'<sup>108</sup>, rather than dynamic in relation to family circumstances.

This section has highlighted that looking at a household rather than individuals within it, and assumptions that resources are fairly shared between a couple, can miss different patterns of financial management and control, which can be to the detriment of women. The next section looks at the concept of financial autonomy and how UC might affect this.

### Summary points: inside the household

- A focus on households rather than the individuals within it can lead to assumptions that resources are fairly shared between couples. However, research by Women's Budget Group members and others highlight that this is not always the case, even where a couple says their finances are jointly pooled. Studies looking at experiences of individuals within a household highlights that one person (often the woman) can be deprived of essential items to a greater extent than their partner.
- Some forms of control over finances (such as being given a small, insufficient housekeeping allowance and having to ask for more) may suggest particular vulnerability to financial abuse.
- Where there is some financial dependence on a partner, relationships can be unequal and unbalanced, even if not abusive. Whilst perpetrators are clearly to blame when abuse takes place, the Government can take steps to ensure that benefit arrangements do not facilitate abuse nor condone inequality in relationships that may not (yet) be abusive, as gender inequality is both a cause and consequence of abuse.

## 5. Financial autonomy

Autonomy is one aspect of the Equality and Human Rights (EHRC)'s equality measurement framework<sup>109</sup>, referring to empowerment, choice and control; it has also been linked with women's citizenship<sup>110</sup>. A framework of financial autonomy developed by Bennett and Sung comprises three main factors: economic independence; privacy in financial affairs; and exercising agency in household/personal spending<sup>111</sup>. Interpretations of autonomy may differ between men and women - what is considered as personal income could be influenced by gender roles.

## Independence

The concept of independence can include receiving an independent income, having a sense of ownership and not having to ask for money.

### Independent incomes

Over many years there have been calls for an independent income for women, who are often economically disadvantaged outside the household and sometimes also within it. Having an individual income could encourage gender equality and feelings of independence within a relationship; one qualitative study found that women receiving an independent income from wages or benefits felt more empowered than those directly dependent on their partners for financial support<sup>112</sup>. Being without an income of one's own can narrow women's space for action, including being unable to leave an abusive partner<sup>113</sup>.

Independent incomes can best be achieved through access to earnings and other sources of money based on individual entitlement. 'Individualised' benefits are easier to achieve when entitlement depends on individual eligibility, such as through national insurance contributions or 'categorical' benefits such as Disability Living Allowance/Personal Independence Payment or Carer's Allowance. Hence maintaining contributory and other non-means-tested benefits outside UC becomes important to women, and to disabled people. Child Benefit is also of particular importance to many mothers (see below).

As means-tested benefits assess both partners' income and savings together, and as entitlement depends on both partners continuing to fulfil the conditions for entitlement, income from means-tested benefits does not provide an 'independent income' as do earnings or non-means-tested benefits<sup>114</sup>.

- Whilst UC replaces income-related JSA and Employment and Support Allowance (ESA), their contributory versions remain as separate benefits, now known as 'new' JSA/ESA (though taken into account in UC as income). In the context of individual entitlement, it is worrying that some claimants have apparently been told that they can no longer claim contributory ESA or JSA, being directed to claim UC instead<sup>115</sup>.
- As well as independent incomes for individual adults, for families with children it is also important to retain, and build on, Child Benefit as a separate benefit to help meet children's needs outside UC. As noted above from evidence about how best to support spending on children, Child Benefit is payable to the mother by default, or another person responsible for the child if the mother allows this.

Bennett and Sung<sup>116</sup> found that some couples had a package of different benefits between them, which could help to create more equal relationships and could also give women some, albeit limited, autonomy in what appeared to be more unequal relationships (which may fall short of being abusive, but could, over time, become so).

### Feeling ownership and not having to ask for money

Bennett and Sung's study also showed that women in low/moderate income couples wished to avoid having to regularly ask for money from their partner or justify their personal spending to them<sup>117</sup> (by having access to some income of their own). Women valued access to an independent income, from benefits as well as wages, as this would help them have more of a 'say' in finances.

When mothers have control of money for children, it provides an important source of income and gives them at least some degree of financial freedom<sup>118</sup>. As discussed above, financial abuse includes depriving the survivor of their own money or giving an inadequate allowance and then making the survivor ask for more.

## Privacy

Privacy includes being able to manage financial affairs without surveillance or control by a partner, including having access to and control over a bank account. As noted above, having a joint bank account does not guarantee equal access to it, and perpetrators of financial abuse can exert control over the couple's bank accounts.

Bennett and Sung also note that, within the benefits system, joint assessment within means-tested benefits such as UC precludes privacy for couples<sup>119</sup>. Online claiming for UC poses additional privacy concerns. Under the UC Full Service (currently being rolled out, with completion now expected by the end of 2018<sup>120</sup>), claims are made online. Only one member of a couple completes the claim form which includes details of the other partner<sup>121</sup>. The first member of a couple to open a UC account receives a 'partner code'; the second member of the couple opening their own account then types in the partner code to join the claim with the first person<sup>122</sup>. Both partners have to agree who is the lead carer of any children (also called the 'primary carer' in the online claim form) and both have to declare that their details are correct before a claim is submitted.

- Whilst each partner has their own online UC account, each can see the other's 'To Do' list; where entries may affect both members of a couple, each can also see the other's 'Journal' (where messages to and from the Work Coach can be left). There also appears to be an element of privacy so that not all Journal entries can be seen by the other partner<sup>123</sup>, though how this operates is unclear. At the Work and Pensions Select Committee, Neil Couling OBE, Director General of the UC Programme, explained that the online accounts were linked to enable conditionality for both partners to keep in step, but there are parts of the joint account 'that neither partner can see', giving health conditions as an example<sup>124</sup>.
- Online claims and accounts could also give further opportunities for abuse. When asked their views about how UC might affect people in their situation, some survivors felt that a controlling partner might make the online claim and ask for their details or may even make a claim without consulting them<sup>125</sup>. Some also said that they may not have access to a computer.

At the Select Committee hearing in April 2018, the DWP stated that they were also considering how to identify people with 'vulnerable characteristics' to offer appropriate support, though recognising that with domestic abuse, any such identification would need to be kept away from parts of the online Journal which are accessible to the abusive partner<sup>126</sup>.

## Agency

Agency can mean negotiating with a partner or making decisions about household income and personal spending. Having access to a joint bank account and the money within it could be seen as an example of agency. However, a joint bank account does not always guarantee access for both partners to the money held in it, or equal sharing of management and control of household finances; one partner could have greater control over it<sup>127</sup>. In one bank survey, 28% had separate finances, and reasons for not having a joint account were mainly to maintain independence<sup>128</sup>; this could be especially important for women<sup>129</sup>.

In abusive relationships, a partner could be in control of money, regardless of who 'owned' it; and opening a joint account could be one control tactic<sup>130</sup>. So the survivor may have very constrained, if any, decision-making power over finances and may not be able to access a bank account even if it is in their name. If abuse can occur irrespective of which bank account UC is paid into, this does not mean that the single payment into a nominated account is irrelevant; rather, it is the combined impact of the UC single payment nomination and online UC accounts which could in some circumstances lead to one partner's agency being diminished. As noted above, because abuse is both a cause and consequence of gender inequality, government has a role in reducing gender inequality as well as directly tackling abuse.

Financial abuse entails deliberate disruption of each of the three aspects of financial autonomy - independence, privacy and agency. Hence the single UC payment and features of joint claims such as linked online UC accounts could reduce the scope for independence in financial arrangements and could signal acceptance of the concept of dependence of one partner on the other. Features of UC for couples are considered in the next section.

### Summary points: financial autonomy

- Financial autonomy includes independence (having an independent income and a sense of ownership and not having to ask for money); privacy (being able to conduct financial affairs without surveillance or control) and agency (being able to make decisions and have access to money via a bank account).
- Universal Credit could reduce financial autonomy across all three aspects, through the single payment nomination and joint, online Universal Credit accounts.
- Independent incomes for women are better achieved through individual entitlement to earnings and non-means-tested benefits.

## 6. Universal Credit couple claims and payments

Universal Credit (UC) is a single benefit that replaces a range of means-tested benefits and tax credits, awarded for different purposes, payable to those in and out of work, and with different payment mechanisms. The structure of UC was intended to be simpler, designed to: provide an income for people out of work, covering a range of needs; make work pay as people move into and progress in work; and help lift people out of poverty<sup>131</sup>.

Concerns about the UC single payment relates to the 'de-labelling' of UC elements (formerly paid for specific purposes) and joint claims. Each is now taken in turn.

## Labelling payments for children

Although replacing benefits and tax credits formerly paid for different purposes, UC is an integrated payment that makes no distinction between its different elements (e.g. for children, limited capability for work, housing costs) after the calculation of the initial award. Previously, benefits and tax credits were more clearly labelled, particularly payments for children, child care and housing.

### Separation of adult and child payments

In 2003, Working Tax Credit (WTC) and Child Tax Credit (CTC) replaced Working Families Tax Credit (payable to either member of a couple where at least one partner was working for 16 hours or more per week<sup>132</sup>).

- The 2003 separation of adult and child payments was based on evidence that benefits labelled as being for children were more likely to be spent on children if paid to the mother<sup>133</sup>. Hence CTC (and any childcare element of WTC) was paid to the partner designated by the couple as the main carer for the children; in 86% of in-work cases these were payable to a female carer<sup>134</sup>. Subsequent modelling has estimated that this improved the bargaining position of women, leading to more spending on child-related items and less on items exclusively consumed by adults<sup>135</sup>.
- The main earner (often the man) may receive WTC and the main carer (often the woman) receives CTC. Either partner could receive Housing Benefit and Council Tax Benefit (the latter is separate from UC), and benefits may be allocated according to their labels - for example, Child Benefit (also separate from UC) is for the children<sup>136</sup>.
- UC de-labels payments for spending on children and other purposes, making them less transparent, which could make it less likely that these elements will be identified as such and spent on these items, especially children.

Calls in 2011 by the Joint Committee on Human Rights for UC payments for children to be so labelled and paid to the lead carer were rejected by the government because of the way in which UC was structured and because of concerns that an automatic payment of UC to the mother (rather than the lead carer) would not have been lawful<sup>137</sup>. However, there may have been other options that could have been and could still be considered (such as payments to the lead carer, where there are children, discussed in section 8 below).

## Joint claims

For UC, there is no longer the concept of a main claimant and a partner, so couples have to make a joint claim and satisfy the basic conditions and financial rules (with exceptions where one partner does not satisfy one or more of these conditions)<sup>138</sup>. Both members are responsible for meeting entitlement conditions, reporting changed circumstances and ensuring that the information regarding their claim is correct.

Each member of a couple must accept a claimant commitment, and as both members of the couple are the payee, both will be jointly liable for any overpayment (if a couple separate, liability is split 50/50)<sup>139</sup>.

This may be of relevance to people in abusive relationships, where a survivor of financial abuse can often end up having to pay for debts that their partner took out in her, or joint, names.

There are links between each partner's claim, so that a change affecting one partner can affect their joint claim; for example, the claim fails if one partner does not sign a claimant commitment. One partner's claimant commitment may be affected if the other partner's circumstances change, such as starting work<sup>140</sup>. If one member of a couple is not eligible, their savings and income will still be taken into account in UC. Joint claims are made and maintained online, with the partners' online UC accounts linked so that each can see much of the other's information.

Joint claims have also been a feature in some 'legacy' benefits and tax credits, payable on the basis of both partners' incomes, which UC replaces:

- Couples must claim WTC or CTC jointly. For CTC, the couple nominates the main carer on the claim form and this is the person into whose account it is paid<sup>141</sup>.
- Couples without children<sup>142</sup> and who are 18 or over must usually claim income-based JSA as a 'joint claim couple' and satisfy the labour market conditions, sign a jobseekers agreement, and meet the income rules for income-based JSA (though there are exceptions)<sup>143</sup>. Members of a joint claim couple could nominate a bank account for payment; if unable to choose, the DWP decision maker would nominate one.

Research into previous out of work means-tested benefits indicates that, for opposite sex couples with dependent children, even if either member of a couple can claim, this is rarely the woman<sup>144</sup>. Official figures in 2010 indicated that, 87% of JSA claims from someone with a partner, or joint claims, were from a male claimant, and around 65% of Income Support claims were made by men<sup>145</sup>. One (old) study of couples claiming IS and JSA found that which partner would claim was often based on acceptance of traditional gender roles by each member (the male partner being the claimant) and benefits administration (whether one partner had the reason for claiming or was more 'able' to meet the conditions)<sup>146</sup>.

There appears to be little official data in the public domain about which partner's bank account is being nominated by couples<sup>147</sup>. However, a Minister recently told the Work and Pensions Select Committee that, for couples in 2016, 45% of UC payments were made to women and about 38% to men; '*on balance it was largely going to women in joint accounts*'<sup>148</sup>. As UC roll-out is not yet complete, the proportion of couples claiming UC is small (around 10% of UC claims)<sup>149</sup>.

The monthly payment of UC to one bank account was recognised as potentially disadvantaging some claimants who may have difficulty budgeting. As a result, Alternative Payment Arrangements were developed so as to help claimants with the transition to UC. One of these arrangements includes splitting payments between members of a couple. These alternative payments are discussed next.

#### **Summary points: Universal Credit couple claims and payments**

- Concerns about the single payment relate the removal of specially labelled and separately paid tax credits for children, which also improved women's bargaining power; and rules for joint claims



which mean there are some joint responsibilities as well as individual ones, and where most of each partner's online Universal Credit account can be accessed by the other.

- There is little information so far on which bank account is being nominated by couples, though some early data suggested that the woman's account is being nominated more frequently than men's. Under previous out-of-work systems the man tended to be the claimant and for Child Tax Credit this was mainly the woman, as the main carer.

## 7. Alternative Payment Arrangements and split payments by exception

To help claimants with the single, monthly household payment and housing element paid directly to the claimant, the DWP has developed a process of 'personal budgeting support' (PBS), consisting of money advice and Alternative Payment Arrangements (APAs)<sup>150</sup>. Scotland has a different approach to UC payments, which are now devolved (further discussed in section 8). APAs therefore apply to England and Wales (though the Equality Committee of the National Assembly has recommended that the Welsh Government consider the implications of devolving UC payment to Wales<sup>151</sup>). In Northern Ireland Ministers were originally minded to offer a range of options rather than a single default (options including single payment to one partner's bank account; single payment into a joint account; split payment on the basis of main carer and children<sup>152</sup>). Estimates suggested that up to a third of households eligible for UC may want a separate payment<sup>153</sup>. However, the WBG understands that currently, split payments in Northern Ireland are likely to follow the DWP model.

APAs are decided on a case by case basis by a 'Universal Credit agent' (normally a decision-maker/work-coach or an 'account developer' (unclear who this is) acting on behalf of the Secretary of State). APAs can only be considered if individual circumstances warrant it, and there is no right of appeal (though the decision can be reviewed by another UC agent). APAs are intended to be temporary and are reviewed according to the individual's circumstances (guidance suggesting three-monthly intervals between three and 24 months).

Money advice will be offered to all UC claimants during their initial work focussed interview, or at the point of their migration to UC. Guidance lists factors that indicate where claimants' circumstances are such that they are highly likely to need an APA - 'tier 1' factors, including domestic abuse, substance misuse, rent arrears or threat of eviction. APAs are less likely but still possible if there are 'tier 2' factors, such as third-party deductions, history of rent arrears, recent bereavement.

### Split payments

One APA is to split payments between members of a couple, but only for claimants '*who genuinely cannot manage the single monthly payment and as a result there is a risk of financial harm to the claimant or their family*'<sup>154</sup> (echoing provision in former out-of-work benefits). Payments to joint claimants may be made wholly to one member of the couple if the UC agent thinks it is in the interests of the claimant, child or severely disabled person, or can be split in such proportion as the agent sees fit<sup>155</sup>.

#### Applying for a split payment

The following paragraph is based on PBS/APA guidance, as revised in April 2018<sup>156</sup>:

- Splitting of an award between partners can be considered at any point in the UC claim, and can be triggered by the claimant or their representative.
- Split payments are intended to prevent hardship to the claimant, and the guidance gives two examples of where these can be considered: financial abuse where one partner mismanages the UC payment; and where domestic violence is an issue and the couple decide to remain together in the same household, but only one claim to UC is made. Split payments should also be considered where the claimant cannot or will not budget for their own or their family's basic day to day needs.
- A split payment is when the award is divided between two claimants:
  - The larger percentage split would be allocated to the person with primary caring responsibilities, to ensure the health and wellbeing of the household;
  - If a split payment is made, the decision-maker must also consider payment of the housing element direct to the landlord, where claimants are renting their home;
  - Claimants retain responsibility for their claim and any work-related activity.

Split payments are currently being done manually, and as numbers are likely to be small, split payments are 'at the end of the queue' for automation<sup>157</sup>. There is little information available about how this process works in practice, and this may still be in development. The WBG understands that one partner could request a split payment without their partner having to be contacted, or having to approve this, and without any further evidential requirements. Each party would be dealt with separately. The UC agent has the discretion to decide whether to make a split payment and how much each partner would receive. Notification of the change in payment would go to both partners (perhaps on the online Journal) but without detail about the reasons why. So, whilst the abusive partner would not see the request they would be notified that their payment is changing.

As noted above with joint claims, each member of a couple has access to the online UC Journal, though with some (undefined) element of privacy to protect personal information<sup>158</sup>. This may suggest that a split payment could be requested online, but it is unclear whether the other partner would see this. If so, this would not be a secure route for such a request. In any case notification of a different amount payable would be given to each member of a couple. This could raise questions about why the payment had changed. Requests for a split payment could also be made face to face with work coaches, who deal with money management and are trained to identify when APAs may be appropriate<sup>159</sup>.

At the Work and Pensions Select Committee, the Minister implied that split payments would be the same whether these are in place at the start of the claim or on request<sup>160</sup>. However, there may be differences between expecting each to separately nominate a bank account from the outset and a split payment operated by exception later on (see section 8). In effect a separate right to nominate a bank account from the outset changes the onus, so that if a partner wishes to have sole nomination rights this has to be applied for, and reasons given. As indicated above, having the right to nominate a bank account from the outset assumes an equality of responsibility which the reverse (single payment with exceptional split) does not.

## Concerns about split payments

Split payments provide some recognition of financial abuse, but there is limited evidence about how many claimants use this in practice and how effective a split payment can be in preventing further abuse. (In contrast, domestic abuse is recognised in other benefit rules, such as easements to job-seeking requirements, introduced in 2012 as the DWP's contribution to the 2010 cross-government strategy on domestic violence, and subsequently researched<sup>161</sup>).

### Survivors may be reluctant to disclose to Jobcentre Plus:

- As split payments are only made in 'very exceptional' cases and specifically for financial abuse / domestic violence/mismanagement, applying requires survivors to disclose abuse. Survivors may fear not being believed, or that the abuse will worsen if the abuser finds out, and may worry about the implications of accessing support for their children or feel that they can only get help once they have left the abuser<sup>162</sup>. Research for the DWP also found that some claimants are reluctant to disclose abuse in a Jobcentre Plus context, a key barrier being lack of confidence that the information disclosed would remain confidential<sup>163</sup>.
- Whilst Ministers have stated that work coaches are specifically trained to identify domestic abuse and offer options including APAs<sup>164</sup>, the Public and Commercial Services (PCS) union for Jobcentre staff has told the Select Committee that staff report having had very little training, and what they had was limited in detail, which did not give them the tools they needed to identify or address domestic abuse<sup>165</sup>. Services such as Jobcentre Plus could support disclosure by being more proactive about creating an environment where this can happen.
- The Secretary of State told the Scottish Social Security Committee on 16 April 2018 that she was not looking for automatic payments, but that split payments could be the first time survivors can talk to someone about abuse, and contrasting this with an '*automatic separation of funds, they might not be able to access that help*'<sup>166</sup>. Whether awards are paid separately or not, the WBG would expect the DWP to participate in the cross-government strategy on domestic abuse, for example offering opportunities for survivors to disclose, should they wish to, at various points in a claim (such as an individual interview with a work coach), irrespective of who is paid UC. It is therefore welcome that the Minister for Family Support, Housing and Child Maintenance told the Select Committee on 24 April that DWP's aim was to be as well-equipped as possible to identify and direct survivors to the right kind of support<sup>167</sup>. Arguments for Jobcentre Plus staff to adopt 'safe enquiry' are irrelevant to the need for a routine separate nominated bank account; Jobcentre Plus staff could signpost survivors to a local agency at any point in the claim and not wait until a split payment request.

### Getting a split payment could worsen the abuse:

- Given the nature of financial abuse, there is concern that requesting split payments could worsen the situation for those experiencing financial abuse. In one survey, women expressed concern about the single UC payment, which they felt would go into their partner's account, giving the abuser more money to control<sup>168</sup>. The opportunity for payments to be split between partners in cases of financial abuse was also regarded as dangerous; 85% of survey respondents agreed or strongly agreed that

the abuse would worsen when the partner found out: *'I'd get a beating if he found out I'd gone behind his back and changed the money'*.

- Another respondent pointed out that if this was done as part of a process of leaving, the abuse could escalate if the abusive partner thinks that someone is trying to regain control: *"if you were still with someone and start the process of separate finances in preparation for leaving, I think that would make people more vulnerable. What you're doing is trying to take control back, and that's when it escalates, doesn't it? It could (be) a precipitant for increasing abuse."*

Whilst some form of split payment exception may be needed, eligibility could be more generic rather than focussing purely on financial abuse and mismanagement. Consideration could be given to promoting and making split payments available for general reasons, such as to help with household budgeting; for example, considering which of the couple has responsibility for paying bills, meeting household expenses and children's needs (often women in low-income households<sup>169</sup>). This could also be an interim measure on the way to a default separate payment, proposed in the next section.

### **Numbers of UC split payments**

There is little data from Parliamentary answers about numbers of requests and reasons for split payments<sup>170</sup>. According to one parliamentary answer, DWP analysts are working to develop statistics on APAs which would include split payments, which has been delayed due to an issue identified during quality assurance of these figures<sup>171</sup>. The small numbers may reflect that relatively few couples are claiming UC, and because of the risks of making requests (worsening any abuse).

### **Comparing split payments in UC with legacy split payments**

Legacy out-of-work benefits had similar rules for splitting payments<sup>172</sup>. The risk of worsening the abuse by asking for a split payment is likely to have been an issue under these legacy arrangements as well as UC: the UC Programme Director told the Work and Pensions Select Committee he had done two in his entire career, and that most people turned them down because they felt it would exacerbate the situation<sup>173</sup>. None of the respondents to the Women's Aid/TUC survey had experienced split out-of-work benefit payments<sup>174</sup>.

The Minister has stated that there was no evidence where UC had been rolled out that the current system was exacerbating the situation<sup>175</sup>. In a letter to the Work and Pensions Select Committee, he goes on to say that as split payments exist in legacy benefits, the claim that UC is exacerbating domestic abuse is without foundation<sup>176</sup>. However UC also replaces what were previously separate child and adult payments as well as out-of-work benefits. The potential for UC to facilitate financial abuse is greater than under the previous benefit and tax credit system<sup>177</sup>.

If it is risky for survivors to ask for a split payment, evidence as to how well UC is working for survivors may be hampered by the same factors (such as fear of disclosure and lack of support) that in turn may affect how many actually apply for a split payment. We next turn to some options for a default, routine separate payment of UC to each member of a couple.

### Summary points: alternative payment arrangements and split payments by exception

- Recognising that a single, monthly payment could cause budgeting difficulties for some claimants, the Department for Work and Pensions developed Alternative Payment Arrangements such as more frequent payments, direct housing payments to a landlord and splitting an award between the two members of a couple. Split payments are only available in exceptional circumstances where there has been financial abuse or mismanagement, or domestic abuse. These are discretionary and temporary.
- Whilst providing some recognition of financial abuse within Universal Credit, there are concerns that 'exceptional' split payments require disclosure of abuse, which many survivors are reluctant to do, and having a split payment may make the abuse worse. The numbers requesting split payments are small and there is no detail about their circumstances or reasons for applying.
- Split payments within legacy out-of-work benefits had similar 'exceptional' conditions, and apparently few applications. However, a comparison between Universal Credit and the previous system entails looking at all tax credits and benefits it replaces, including the former routine separation of child and adult payments.
- Consideration could be given to making split payments available for more generic reasons such as help with budgeting, which could be an interim measure on the way to separate payments or run alongside them as an alternative to mandating a particular form of separation.

## 8. Dual nomination and separate payments

Instead of the single payment split by exception, each member of a couple could nominate a bank account; changing the current 'default' position from one payment to two<sup>178</sup> for couples could mean that two payments become routine, without having to declare any abuse. As well as separate nomination, another 'default' could be keeping online UC accounts separate so that partners cannot see each other's details. UC accounts could be linked by the DWP, so that each could be notified of relevant actions independently.

Using the terminology '*separate payments*' rather than split payments may help to avoid confusion between the current exceptional, discretionary and temporary split payment arrangements in UC and a different approach altogether. We refer in this section to options for each member of a couple to nominate a bank account so that separate payments can be made to each<sup>179</sup>.

### The case for each partner having the right to nominate a bank account is that it could:

- Prevent power imbalances within relationships, as argued by organisations in Scotland in support of proposals to make a 'split' payment more routine<sup>180</sup>.
- Signal the importance of the principle of individual choice and freedom, through facilitating opportunities for each member of a couple to exercise agency in their financial affairs.
- Enable couples to discuss their finances and both to develop financial capability. Quantitative analysis in Ireland found that shared decision-making was associated with lower risks of both household and individual deprivation, suggesting that the involvement of both partners helps ensure better use of household resources<sup>181</sup>.

- Help to create a new ‘norm’ of equality, giving a strong message of ‘zero tolerance’ of financial abuse. Norms can encourage or discourage abuse, and policy can send a strong message about what is acceptable or unacceptable<sup>182</sup>. This is consistent with the Government’s domestic abuse strategy, as changing norms are included in the current consultation as a way to prevent domestic abuse<sup>183</sup>.
- Support relationship stability by giving each partner the chance to nominate a bank account for payment. In a DWP working paper on helping partnered women into employment, the author stated that for non-earning partners, access to their own income could encourage relationship stability and buffer against poverty if one partner loses their job<sup>184</sup>. Conversely, imbalance of control over finances could lead to relationship difficulties<sup>185</sup>.

Clearly changes to UC alone cannot prevent financial abuse. However, the UC single payment gives an opportunity to abusers that is not available under other benefits/tax credits; the monthly amount, paid all in one go makes the consequences of abuse more significant (particularly in the context of other benefits like Child Benefit being much less in value and its amount frozen). Online claiming could also enable abusers to access UC fairly easily and quickly. An abuser can be just *one click away* from gaining access to the whole of UC, whereas previously getting the survivor’s benefit could take some time and effort.

### Separate payments in Scotland

Scotland now has the flexibility to make different payment arrangements for UC which includes the choice of being paid twice monthly and have housing costs paid direct to the landlord (full service areas only)<sup>186</sup>. An automatic separation of UC between joint claim couples was supported by 99% of organisations and 78% of individuals responding to the consultation on Scotland’s claims and payments regulations<sup>187</sup>. The Social Security (Scotland) Bill, passed with all-party support<sup>188</sup>, includes provision for Scottish joint claimants to have their UC award split between them, unless they elect to nominate a single bank account<sup>189</sup>. This switches the assumption from one payment to two, but with the choice of reverting to a single payment on request.

Automatic separate payments were recommended by Scottish Women’s Aid, Engender (the Scottish feminist membership organisation<sup>190</sup>) and other groups on the grounds that a single payment with the ‘choice’ of a split payment could put women at further risk of abuse<sup>191</sup>. Implementation is being discussed<sup>192</sup>, though the timetable and delivery costs are uncertain, with Ministers suggesting that it could require significant IT re-engineering which would have to be weighed against other risks and priorities<sup>193</sup>.

Many organisations believe that the best way to reduce the scope for abuse – and to make arrangements more suited to the variety of modern life - is to make separate payments to each partner.

### Deciding on dual nomination and separate payments

We believe that it is feasible and desirable to enable both partners to nominate a bank account and to make a separate payment of UC to each partner, though recognising that there are no ideal ways of

apportioning amounts in an integrated, means-tested benefit such as UC (compared to independent incomes based on individual entitlement). There are advantages/disadvantages and trade-offs to be made in deciding between options. No option is likely to prevent abuse completely, but some options may reduce the opportunity for abuse more successfully than others and could indicate Government's commitment to tackling gender inequality (and in turn, financial abuse, as discussed above).

**Criteria** for how alternatives could be developed, as a means of appraising specific options (not necessarily implying that UC alone can resolve the issues listed below). Potential criteria include that payment options should:

- a) Narrow the scope for financial abuse;
- b) Help to ensure that money for children is spent on them;
- c) Promote the financial autonomy of both partners, each having access to some income;
- d) Improve gains to second earners from paid work;
- e) Be transparent so that claimants know what contribution each makes to household income and that UC is for household not personal spending.

Some options involve identifying specific UC elements, which may run counter to the idea of an integrated payment. The UC Director told the Work and Pensions Select Committee that there are no components in UC, though these exist in the calculation of gross entitlement. In practice elements are already identified separately; for example, the housing element can be paid direct to a landlord, and when one member of a couple is sanctioned, the amount reduced is up to 50% of the couple's standard personal allowance.

## Potential options

Suggestions for an alternative approach include giving couple the choice of whether to have separate payments; this could be either as a choice of having the single payment paid into two bank accounts, into a joint bank or through switching the default to two bank accounts, with a choice of having one payment instead (as in Section 94, Social Security (Scotland) Act).

### Separate payment with an 'opt-out'

If each partner could have a separate payment, there is likely to be a need for an 'opt-out', either for a single payment or for a different split of UC between the couple. As indicated by the Minister, with (separate) payments, some kind of opt-out would be needed, such as where a partner had an addiction<sup>194</sup>, or financial mismanagement. Such an opt out could have broader entitlement than current split payments, such as help with budgeting, as discussed in section 7 above. So, for example one partner might receive a higher percentage where there was financial mismanagement.

Changing the 'default' to a separate rather than single payment, with an opt out, might also have the advantage of enabling Jobcentre Plus to identify difficulties with addiction and abuse as part of the opt out process, and refer to local support agencies as appropriate.

## Dividing up UC

Further discussion is needed about apportioning the UC award, but some options could include:

- **A percentage approach** could involve giving each partner a percentage of the whole UC award. An obvious split would be 50/50. This would give a clear message of equality between partners, highlight that each is expected to budget and to gain financial capability, and reinforce the 'dual' nature of joint claims – that each partner has responsibilities (and a separate payment) but the actions and resources of the other can affect their joint claim. Alternatively, rather than mandating a particular percentage, couples could have the choice of how to apportion their payments (which may involve a higher percentage to the lead carer, for example).
- **Pay the child element (or an equivalent amount) to the lead carer.** When making a joint claim, couples have to identify the primary carer of the children, so this partner would be paid the element for children. This option would help to reinforce this payment as being for children, which may help to counteract the de-labelling of such payments within UC. This may also be consistent with current APA guidance, which states that a larger proportion could be allocated to the person with primary caring responsibilities<sup>195</sup>.
- **Pay other elements (or an equivalent amount) to the person who qualifies for them.** This would involve dividing UC so that specific elements would be paid to those who qualify for them, such as the carer element to the carer, or limited capability for work-related activity element paid to the disabled person. It may also be linked with conditionality. This might go alongside options such as the child payments to the lead carer. CTC is currently paid irrespective of work status<sup>196</sup> (as is the housing element), so such elements should not be linked to work-related conditionality (as other elements are). With this option there may need to be a priority order of tapering off (as within tax credits) for example with the child element being tapered last.

Alternatives include paying UC to the person with the lowest (non-UC) income (as details of other income received would be routinely collected as part of the UC means-test).

These options could be considered in combination, tested out against the criteria, and researched for their impact on financial abuse and financial autonomy. Trialling was also recommended in 2015 by the Joint Parliamentary Committee on Human Rights; this could take place as part of UC roll-out, to assess which best protects women's financial autonomy, which could strengthen their position should domestic violence occur<sup>197</sup>, and which could also help to prevent financial abuse. As couples are a minority of current UC claims<sup>198</sup>, this may make this easier to pilot.

A more radical option would be to remove **child elements from UC altogether** and to pay them separately, either as a stand-alone, separate child payment (similar to CTC) or as an increase to Child Benefit (which is a clearly-labelled, well-established benefit for children). This would leave UC as an adult-based benefit, capable of reinforcing employment incentives, whilst keeping child payments separate. This would have the added advantage of no longer extending adult conditionality rules to the elements for children, as under UC.



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**Apportioning separate UC payments: example couple and two children, one male earner**

Assume male partner earns £650 per month; privately rented home, paying monthly rent of £825.

Assume that each partner nominates their own bank account (lead carer already identified in claim).

Standard allowance couple	£498.89
Child element 1st child (born before April 2017)	£277.08
Child element subsequent child	£231.67
Housing element (reduced from actual rent by LHA)	£658.30 = £1665.94
Less earnings (work allowance & taper applied)	£288.54
<b>Total UC entitlement</b>	<b>£1,377.40</b>

For a separate payment:

- With 50/50 each would get £688.70
- With 75/25 to lead carer/earner, she would get £1,033.05 and he could get £344.35
- With child element to lead carer, and the remainder 50/50, she would get £940.07 and he would get £434.32

With the housing element paid direct to the landlord before a separate payment, this leaves £719.10, so:

- With 50/50 each would get £359.55
- With 75/25 to lead carer/earner, she would get £539.32 and he could get £179.77
- With child element to lead carer, and the remainder 50/50, she gets £613.92 and he gets £105.17

*Under any option, and currently, there is a shortfall between rent and housing element, so the couple would have to work out how to pay £167 per month to the landlord out of the rest of their UC or other income.*

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**Apportioning separate payments: example couple under age 25, no earners, no children**

Both unemployed, privately rented flat, monthly rent £395.

Standard allowance couple (both under 25)	£395.52
Housing element (reduced by Shared Room Rate)	£301.52
<b>Total UC entitlement</b>	<b>£696.72</b>

For a separate payment:

- With 50/50 each would get £348.36

With the housing element paid direct to the landlord before a separate payment, this leaves £395.52, so:

- With 50/50 each would get £197.60

If one partner becomes disabled:

Standard allowance couple (both under 25)	£395.52
Limited capability for work related activity element (LCWRA)	£318.76
Housing element (reduced by Shared Room Rate)	£301.52
<b>Total UC entitlement</b>	<b>£1,015.48</b>

For a separate payment:

- With 50/50 each would get £348.36
- With LCWRA element to disabled person and remainder 50/50, disabled partner gets £667.12, other gets £348.36

With the housing element paid direct to the landlord before a separate payment, this leaves £713.96, so:

- With 50/50 each would get £356.98
- With LCWRA element to disabled person and remainder 50/50, disabled partner gets £516.36, other gets £197.60

*Under any option, and currently, there is a shortfall between rent and housing element, so the couple would have to work out how to pay £93.48 per month to the landlord*

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## Trade-offs and impact of options

There are no easy options for apportioning payments, requiring trade-offs to be made. No option is likely to prevent abuse, but some options may reduce the opportunity for abuse more than others. For example, a 50/50 separation may look fair when neither partner is in work, but if there is a main earner - usually the man in opposite sex couples claiming UC<sup>199</sup> - that person could receive a potentially far higher income overall (UC plus wages).

In addition, partners receiving their own payment may believe that this is for their own personal use rather than as their contribution towards meeting household needs, a risk identified in research with couples claiming legacy out of work benefits<sup>200</sup>. However, this is old research, and couples are now used to having separate payments of CTC and WTC. Nonetheless, options should be accompanied by other policies and practices, such as clear messaging about what payments are for, and access for each partner to support with budgeting and financial capability. The transparency criterion was developed with this in mind. Responsiveness to families in complex situations was felt to be more important than a simpler system which fails to meet the range of family needs.

Separate payments could also encourage discussion about how money is managed once it enters the household.

All that separate payments do is give options for two bank accounts to be used rather than one. Nonetheless, as noted above, this is an important reform for reasons such as equality, promoting individual choice, and agency, financial capability and avoiding state-sanctioned abuse.

## A process of developing options

The DWP has experience and expertise in convening discussions with external stakeholders, such as the Support and Exceptions Working Group which helped to develop APAs and personal budgeting support. A similar process could be put in place to develop options and criteria for assessing separate payments and learning from the Scottish experience. This could involve DWP policy and analytical staff with organisations such as Women's Aid, Surviving Economic Abuse, Refuge, the EHRC and the WBG. In the next section we explore the gender impacts of UC and the single payment.

### Summary points: dual nomination and separate payments

- Instead of the single account with 'exceptional' split payments, each partner could nominate a bank account, enabling separate payments to be made as routine. Online Universal Credit accounts could also be separate, only re-linked at DWP. An 'opt-out', either for a single payment or for a different split of UC between the couple, could be available on request, which could give DWP an additional opportunity to identify issues such as financial abuse or other needs, and to refer to support services.
- Separation would give some indication of individual responsibilities and contribute towards creating a new norm indicating equality and zero tolerance of financial abuse. It could also help to promote equality and stability within relationships, facilitating opportunities to discuss finances, and lead to greater financial autonomy, through offering each partner the chance to receive a payment; the privacy of a separate online Universal Credit account; and improving the agency of both partners through each being able to have their own bank account and so having to discuss with their partner how their income is spent.
- When considering how to apportion any separate payment, options should aim, as far as is possible, to narrow the scope for financial abuse, help to ensure that money for children is spent on them, promote the financial autonomy of each partner, improve work incentives and be transparent. Options that could be further developed include a 50/50 split; payment of child element to the lead carer; and payment of other elements to the person who qualifies for them. A process of developing these could include bringing together DWP analysts and relevant expert groups, trialling different options as part of Universal Credit roll-out, and researching the impact of options on preventing financial abuse.

## 9. Gender impacts of Universal Credit

Most household incomes are made up of earnings and social security benefits, the latter forming a higher proportion of household incomes for those with children<sup>201</sup>. Gender can also affect social security benefit entitlements as men and women can be positioned differently in relation to eligibility conditions, labour market status and family<sup>202</sup>. Women's role in caring for others can mean greater reliance on benefits and tax credits. Hence benefits policy can make a significant difference to them (such as employment and benefits policies reducing the poverty rates of lone parents and single older people in the 2000s<sup>203</sup>). Conversely recent welfare reforms have hit women harder than men, at every income level<sup>204</sup>; the Equality and Human Rights Commission (EHRC)'s cumulative impact assessment highlighted that women lose £400 per year on average<sup>205</sup>.

### More women claiming UC

As more women are beginning to claim UC, especially in couples, gendered design features of UC could become more apparent. Statistics to April 2018 show that 48% of people on UC were women (up from 31% in December 2013)<sup>206</sup>. In December 2017, only 46,000 out of 500,000 households getting UC were couples<sup>207</sup>. Roll-out is due to be completed by late 2018; managed migration of potentially 7 million existing benefit and tax credit claimants is due to start from July 2019<sup>208</sup> and it has recently been announced that migration will extend to March 2023<sup>209</sup>. At the point of migration, claimants may find that benefits currently paid direct to them may go into another account; child-related payments will no longer be made to the lead carer, for example, representing a stark 'purse to wallet' transfer if the single UC payment is not paid into their bank account.

In its 2012 Impact Assessment the government stated that UC policy is gender neutral, as in cases in which women and men are in the same circumstances, they are treated equally under UC<sup>210</sup>. However, in practice women and men are rarely in similar circumstances. The EHRC review criticised this gender-neutrality, highlighting gendered impacts of UC, including the single monthly payment<sup>211</sup>.

## Equality Act requirements

Governments should look at the gender implications of their policies to identify whether an alternative, or mitigation, is required. Under the Equality Act 2010, public bodies are obliged to have due regard to the need to eliminate unlawful discrimination and to advance equality of opportunity and foster good relations between those who have a characteristic protected under the Act and those who do not<sup>212</sup>. Equality Impact Assessments (EIAs) are one way to do this; whilst not obligatory per se, they can show that due regard has been given<sup>213</sup>. The EHRC advises that public authorities can engage service users, employees and other interested parties to help develop their evidence base for decision-making<sup>214</sup>, though there is no explicit duty to do so.

Although not a requirement in other parts of the UK, Scotland has also implemented the Equality Act 'socio-economic duty', which means that the Scottish public sector has to exercise its functions in such a way as to reduce inequalities of outcome resulting from socio-economic disadvantage<sup>215</sup> - in effect, taking account of reducing poverty and inequality. The EHRC's report on implementation of rights under the International Covenant on Economic, Social and Cultural Rights has raised concerns about social security reforms since 2010, stating that they present a risk to socio-economic rights, calling on the Government to undertake cumulative impact assessments of all tax and social security policies<sup>216</sup>.

## UC equality impact assessments

The UC policymaking process has been criticised for inadequate consideration of gender, such as not taking sufficient account of relevant qualitative research and other evidence, including changing family patterns<sup>217</sup>. With regard to the UC single payment, the UC White Paper EIA in November 2010 noted that the government was considering the potential impacts of a change, with evidence about how families share their income and how money intended for children is spent, and would report more fully in the 2012 Welfare Reform Bill EIA<sup>218</sup>. This has never happened. Subsequently the White Paper stated that Government would consider the scope to arrange payments to parents in couples so that support for children goes to the mother or main carer, as now in Tax Credits<sup>219</sup>.

### **Criticisms of the government's approach to gender impacts since 2010 include:**

- In 2010 Oxfam GB recommended that EIAs consider potential effects of policy on the autonomy and financial security of men and women, caring responsibilities and inequalities within households<sup>220</sup>, and that gender analysis should incorporate an individual lifetime perspective as well as a snapshot of overall family/household income and include the impact on gender roles and relationships<sup>221</sup>. This approach draws on and adapts Daly and Rake (2003)<sup>222</sup>, and was cited by the Government – but without any evidence of having employed it.

- In 2011, counsel for the EHRC advised that the Welfare Reform Bill policies had not been adequately impact assessed and due regard to the Equality Act had not been demonstrated; policies relating to second earners and the single payment would reduce women's autonomy over some family finances<sup>223</sup>.
- In its 2018 cumulative impact assessment and accompanying evidence review, the EHRC suggested that the Welfare Reform Act 2012 policies have not been adequately impact assessed, noting the same concerns about women's autonomy and that existing EIAs are out of date, being last published in 2011 and so based on outdated assumptions about issues such as work allowance levels (the amount of money claimants can earn before their UC starts to be reduced) and tapers<sup>224</sup>.

## Other concerns

This report focuses on the UC single payment and split payments, but the WBG is concerned about other aspects of UC design that could have gender impacts, such as:

- Monthly payment in arrears, and the lack of labelling for different elements of benefit paid, can make budgeting more difficult for low-income families and especially affect women, who are often responsible for day-to-day budgeting in low-income families with children, and go without as a result<sup>225</sup>.
- Monthly assessment, where entitlement is based on circumstances that may apply on only one day in each month and are treated as if they applied for the whole month (not pro-rata for the part of the month to which they apply, as happens with changes to wages through the real time information system)<sup>226</sup>. This means that UC income will rarely reflect the change in individual and family needs, so will match circumstances less closely, making UC less predictable, affecting budgeting.
- UC delays and waiting periods have created financial and emotional hardship for many claimants, especially those in the most vulnerable circumstances such as unemployed, young people, those with little informal support networks, those with poor IT or literacy skills, who could fall into a cycle of debt and serious hardship<sup>227</sup>.
- Despite the aspirations that UC would be simpler than its predecessors, in practice there seems to be a lack of clarity for claimants about what is expected of them, such as conditionality requirements and exemptions from them and eligibility for the UC elements, compounded by different and contradictory expectations made on claimants by different members of staff<sup>228</sup>.
- Combined with cuts to the work allowance, UC weakens incentives to enter employment or to earn more for many 'second earners' (often women), at a time when one-earner couples are increasingly likely to be living in poverty<sup>229</sup>.
- Increased conditionality for partners and parents entails understanding of the complexities of gender roles and relationships; but there seems to be little awareness of these amongst Jobcentre staff, affecting how these rules are applied, especially to those with particular job-seeking and childcare challenges<sup>230</sup>. If failing to comply with conditionality, claimants face harsh sanctions,

which for couples over age 25 can reduce their UC by as much as £8.20 per day<sup>231</sup>. UC seems to have a high sanction rate compared to JSA and is one of the factors driving destitution in the UK, forcing claimants into debt and food bank usage<sup>232</sup>.

- Changes announced in 2015-2016, such as reducing the value of the work allowances and the freeze in uprating working age benefits, affects those on the lowest incomes and many women<sup>233</sup>. The EHRC analysis of tax and welfare reform policy changes since 2010 highlight adverse impacts on women (especially lone parents) and other protected groups, already disadvantaged<sup>234</sup>.
- The two-child limit in CTC and UC is an arbitrary cut-off for supporting children, unfairly ignoring the needs of third and subsequent children, affecting families on the lowest incomes, penalising large (often black and minority ethnic) families, and meaning mothers and children going without<sup>235</sup>.

**Additional social security issues for survivors of domestic abuse include:**

- The easement to the conditionality rules for survivors can only be applied once in a 12-month period; the PCS union told the Select Committee that even if work coaches are sympathetic, they cannot administer the easement if the claimant is living at the same address as the perpetrator<sup>236</sup>. Its application is often dependent on Jobcentre staff's awareness of both domestic abuse and the easement, as women are not always told about this even if they disclose abuse; survivors often face further barriers to employment, such as low self-esteem, depression, post-traumatic stress, and physical and mental health issues, all of which can affect the ability to get and keep a job, often for much longer than the maximum of 13 weeks that the easement allows<sup>237</sup>.
- The 'no recourse to public funds' (NRPF) rule can affect women with insecure immigration status, and they may be unable to access refuge or other safe accommodation. Over a quarter of women supported by Women's Aid's *No Woman Turned Away* programme had NRPF, 67% of whom were not eligible to apply for the Destitute Domestic Violence Concession (which is intended to support migrant spouse victims of domestic abuse who have been granted leave to remain)<sup>238</sup>.
- Survivors post separation are being affected by the Benefit Cap, especially when they have young children, which can place an additional barrier to fleeing where women have to choose between safety and poverty<sup>239</sup>.
- As Local Housing Allowance rates define the maximum rent for Housing Benefit will pay for, women who have fled an abusive relationship may have to move or pay the difference, creating additional financial pressures; also having to repay overpayments that were not their fault. For women on housing benefit with empty rooms i.e. where children had grown up and left home, the bedroom tax was also an issue<sup>240</sup>.
- Survivors who have fled an abusive relationship where the abuser claimed Child Benefit have encountered delays in claiming Child Benefit, which can only be paid to one person, with a knock on impact on eligibility for IS<sup>241</sup>.

### Summary points: gender impacts of Universal Credit

- Gender affects social security as men and women are still placed differently in the labour market, in relation to benefit entitlement conditions and in the family. More women will be affected by Universal Credit as it rolls out, and when recipients of existing benefits are migrated across.
- The Equality Act obliges public bodies to give due regard to equality considerations as part of their policy-making. This is to help understand potential equality impacts and to address these. However, Universal Credit Equality Impact Assessments have been criticised as inadequate and out of date (the last published in 2011), so a new and more comprehensive approach is needed.
- The Women's Budget Group is also concerned about other aspects of Universal Credit such as monthly payment and assessment, application of conditionality requirements, limited work incentives for second earners, lack of uprating so benefits lose value over time, and the two-child limit.
- Other issues of concern regarding domestic abuse and benefits include conditions for and application of the Domestic Violence Easement, the No Recourse to Public Funds rule and Destitute Domestic Violence Concession, Benefit Cap, Housing Benefit restrictions, issues with claiming Child Benefit and other benefits after leaving an abuser.

In conclusion we agree with Millar and Bennett that:

*The concept of a single, simple benefit focused on the promotion of work incentives is too narrow a principle for the whole of the social security system for working-age people. The design of Universal Credit is too far removed from the realities of life on a low income. The delivery is far from simple, and will become more complex as more contingencies have to be taken into account<sup>242</sup>.*

### NOTES

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