



Benefits or barriers?

Making social security work for survivors of violence and abuse across the UK's four nations

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Summary and recommendations

Aspects of the social security system undermine the UK Government's Domestic Abuse Bill.

Economic abuse is included in a statutory definition of abuse in the draft Domestic Abuse Bill; but the Bill's potential is undermined by aspects of the benefits system that give additional scope for abusers to misuse benefits (e.g. the Universal Credit single payment) and by failing to meet survivors' needs.

Social security systems across the UK fail survivors of violence and abuse when they need help most.

Social security is letting down women who are living with an abusive partner.

- Poverty resulting from the Benefit Cap or other social security cuts can leave survivors trapped with an abusive partner¹. Being unable to afford to leave, and fearing the financial implications of leaving, can mean that survivors stay longer, increasing the risk of abuse².
- Payment of Universal Credit (UC) into a single bank account can make women more vulnerable to economic abuse. Exceptionally, this can be split between partners but can risk further abuse³.
- The two-child limit can cause poverty for larger families; where there is 'forced pregnancy' the 'non consensual conception exemption' (rape clause) does not apply to women living with their abuser.
- The 'No Recourse to Public Funds' rule, which prevents survivors accessing certain benefits or services, can be used by an abuser to frighten survivors to staying with them.

Social security is letting down women when they try to leave

- Leaving can be difficult or impossible if the survivor has no access to benefits (worsened by benefit cuts including reductions in crisis support from local welfare assistance schemes (formerly the discretionary Social Fund) can mean fewer options to meet the immediate costs of leaving⁴).
- Survivors leaving an abusive partner who have to claim Universal Credit face a wait of at least five weeks before UC is paid, pushing them into hardship and further debt.
- Survivors claiming from a refuge service may have to wait twice as long: they may have left behind documents needed to prove their claim and may need to claim Housing Benefit for both their permanent home and the refuge place.
- Women with 'No Recourse to Public Funds' may find it impossible to find a refuge space that can afford to support them.

Social security is letting down women when they are trying to build a new life

- Moving to a new home may be difficult given the lack of affordable housing and reductions in benefits for housing, and getting basic items like furniture given cuts to local welfare schemes.
- Single parents are disproportionately affected by the Benefit Cap. Single parents can avoid the cap if they are able to work and earn sufficiently. However looking for a new job can be difficult for survivors who have caring responsibilities, are facing legal battles with their abuser over the children, or suffering trauma following abuse (particularly if having to move area in order to be safe, but as a result are a distance away from family and friends support).

- One part of the social security system recognises this problem through the Domestic Violence Easement to job seeking requirements, but the Benefit Cap still applies to survivors who are recognised as temporarily unable to work.
- Survivors may be sanctioned for not applying for jobs that would put them at risk, such as near the perpetrator’s home or workplace⁵. They may also lose benefit if their ex-partner makes malicious allegations about their entitlements⁶.

There are differences in social security policies and Violence Against Women and Girls (VAWG) strategies across the four nations of the UK, meaning that women in England, Scotland, Wales and Northern Ireland have different experiences. Women in Northern Ireland are particularly disadvantaged as their rights and protections are lower than elsewhere in the UK, there is no publicly funded childcare provision and abortion is illegal. There is also a legal duty to report a criminal offence, leading to concerns from survivors about confidentiality if they disclose abuse; a disclosure of rape or coercion to get the ‘rape clause’ exemption to the two-child limit can place women and those to whom they disclose at risk of committing a crime if not then reporting this to the police.

Benefit exemptions for survivors of abuse require survivors to disclose and prove abuse. Exemptions like the easement to job-search and the ‘rape clause’ requires women to disclose and provide abuse and meet other conditions. Whilst exemptions recognise abuse they do not make the original policy more acceptable or workable.

Women are more likely than men to rely on social security as they are more likely to have caring responsibilities, interrupted employment patterns, lower incomes and lower pay⁷. Women are also more likely than men to receive certain benefits, often related to caring roles⁸. In addition, women can be ‘shock absorbers’ of family poverty, often responsible for managing household budgets⁹.

Women, particularly poor women, Black and minority ethnic (BME) women and disabled women have borne the brunt of cuts to social security since 2010. Around £37 billion per year will have been cut from social security by 2020 as a result of cuts and changes since 2010. The four-year ‘freeze’ to most working age benefits and tax credits has affected 9 out of 10 single parents, and families with children¹⁰. Specialist services for women have been cut, as have other services on which they rely such as advice and legal services¹¹.

Recommendations

In the short-term:

The Department for Work and Pensions (DWP) should:

- *End the benefit freeze immediately (or make good this year’s cut)*
- *End the Benefit Cap*
- *Repeal the two-child limit immediately*
- *Give survivors making a new UC claim a benefit advance without them having to repay this*
- *Pause natural and managed migration to UC*

- *Change IT to make separate payments of UC to each member of a couple*
- *Ensure that work-related conditionality is applied sensitively to carers, parents and survivors, and place these rules in regulations, as before*
- *Ensure that job centre staff have in-depth, specialist training if expecting women to disclose abuse*
- *Work with local organisations to co-locate a VAWG specialist in each Jobcentre Plus district*
- *Undertake Equality Impact Assessments when policies are being designed or revised, and publish these assessments. These should include gender analysis; specific impacts on VAWG survivors and whether policy options reduce the scope for abuse and enable survivors to access support when they need it; and the impact of policies across all four nations of the UK.*

With HMRC, the DWP should

- *Retain and improve Child Benefit by ending the freeze, increasing its rate at least £5 per week in the first instance, removing the high income charge and keeping it separate from UC*

With other government departments, the DWP should

- *Review local specialist support services for VAWG survivors and ensure they are funded to provide adequate referral pathways for survivors once they have disclosed to the DWP (or other agencies)*
- *Ensure that sustainable funding is available for vital and life-saving specialist ‘by and for’ BME support and advocacy services*
- *Give devolved Ministers more involvement in Westminster policy-making*
- *Ensure sustainable funding for generalist advice/legal aid services across all four UK nations*
- *Introduce a non-discrimination clause in the Domestic Abuse Bill to ensure that public authorities effectively respond to all VAWG survivors regardless of their immigration status.*
- *Establish safe reporting systems for women accessing vital public services, so that all VAWG survivors can safely report abuse to the police, social services, health professionals and others without fear of immigration enforcement.*
- *Extend eligibility for the existing Domestic Violence Rule and Destitution Domestic Violence Concession to all migrant women experiencing or at risk of abuse.*
- *De-link the No Recourse to Public Funds condition from a woman’s eligibility for refuge services and ensure that the statutory definition of domestic abuse covers the abuse of immigration status.*

Devolved governments should:

- *Continue to fund and deliver mitigation packages until benefits are re-designed to support women*

In the short- to medium-term:

The DWP should:

- *Review the gender impact of social security with a view to re-designing social security to promote economic equality between men and women, aiming for independent incomes for both sexes*
- *Reduce reliance on means-tested benefits through direct provision of services such as childcare, improve non-means-tested benefits, and support opportunities for women to access paid work and employment-related benefits*

With other government departments, the DWP should

- *Set up mechanisms to ensure long-term sustainable funding of support services for survivors*
- *Set up an interdepartmental Ministerial and officials groups to consider VAWG and social security*
- *Set up a Cabinet sub-committee on women and equality*

The Government Equalities Office should

- *Establish a national advisory group comprising representatives from all four nations of the UK and including expertise in gender, social security and VAWG to advise Westminster and devolved governments about gendering their policies*

In the longer-term:

The Government should

- *Ensure that women's rights are equally protected across all four nations of the UK*

Introduction

Why this report?

The social security system often fails to support survivors of economic and other forms of abuse – this can be a particular problem when they need to access support quickly and easily, such as when leaving an abuser. This has been worsened by cuts and changes to social security which have slashed benefits and crisis support. The overall structure of the UK government’s social security system rests on assumptions about claimants which often neglect the reality of the lives of women and of survivors.

Last year, a report by the Women’s Budget Group (WBG) and partner organisations Surviving Economic Abuse (SEA) and the End Violence Against Women coalition (EVAW) on *Universal Credit and financial abuse* highlighted the implications of the single payment of Universal Credit (UC)¹². It also

- a. raised wider concerns about social security provisions which have a particular impact on survivors, such as conditionality and easements; and
- b. how the experiences of survivors could differ depending on which country of the UK they lived in.

To explore these two issues, a workshop was held in March 2019 with academics, civil society organisations and other experts with knowledge of Violence Against Women and Girls (VAWG), economic abuse, gender and social security from across all four nations of the UK. The workshop discussed the wider intersection between social security and VAWG (taking a broad definition of each) in the context of different equality provisions across the four nations. The workshop gave opportunities for information exchange, and enabled participants to identify potential areas for policy or research collaboration and recommendations for policy and practice. The workshop used different scenarios (including a survivor’s journey) as tools to discuss similarities and differences across the four nations. During interactive sessions, participants were also invited to discuss principles to underpin change, and key measures that would support survivors and promote gender equality. This report is based on information provided by participants across the four nations and from workshop discussions.

Terminology and scope

In this report we use the following terminology:

- **Social security** includes contributory and categorical benefits, which offer more scope to give women an independent income, as well as means-tested payments (such as UC). This report concentrates on social security for people of working age; those over pension age have been protected from some of these changes.
- In this paper we refer to **Violence Against Women and Girls (VAWG)**, which includes sexual violence, domestic violence, stalking and harassment, FGM (female genital mutilation), forced marriage and so-called ‘honour-based violence’, trafficking and prostitution, and abuse of women and girls in online spaces¹³. VAWG is regarded by the United Nations (UN) Committee on the Elimination of Discrimination Against Women (CEDAW) as ‘*any act of gender-based violence that is directed against a woman because she is a woman or disproportionately affects women*’¹⁴ and is recognised as both a cause and a consequence of gender inequality. VAWG is a human rights issue¹⁵. Importantly for this

paper, VAWG also encompasses different types of abuse, including economic abuse. Economic abuse is particularly relevant to social security and survivors because it can involve perpetrators interfering with survivors' social security entitlements.

- **The United Kingdom (UK)** refers to 'the United Kingdom of Great Britain and Northern Ireland'. Great Britain (GB) includes England, Wales and Scotland only, and excludes Northern Ireland. The UK's Westminster Parliament is the main legislature for England and for powers not devolved to the other nations (e.g. defence and immigration); it is also responsible for much of the devolved authorities' funding. The House of Commons comprises politicians from all four UK countries (although Sinn Fein MPs from Northern Ireland have not traditionally taken their seats). The Northern Ireland Assembly has not been sitting since 2017. Some provision (for example social security and equality) applies to GB, therefore not in Northern Ireland. Northern Ireland has powers over social security, though their rules generally mirror GB's. Otherwise, social security is mainly reserved to Westminster; benefits and tax credits are administered by the Department for Work and Pensions (DWP) and HM Revenue and Customs (HMRC), though some social security benefits are now also devolved to Scotland. Devolution across the UK has been uneven; the Scottish Parliament, Welsh Assembly and Northern Ireland Assembly have different remits (see Annex 1).

Whilst social security cuts and changes since 2010 (Annex 2) have been made by the Westminster Government, women in each country of the UK can be affected differently because of the 'localisation' of benefits, and measures taken by each devolved government to mitigate these changes - which also vary (Annex 3). This can be due to context (for example rural populations and the ongoing impact of the legacy of the Troubles in Northern Ireland¹⁶); or devolved governments' mitigation actions, which appear in part to account for less negative impact in Scotland and Wales than in England¹⁷. But mitigations are expensive for the devolved governments and due to end in Northern Ireland in 2020.

Report outline

This report starts with highlighting the main social security changes affecting women. It then goes on to consider definitions of VAWG, approaches across the four nations of the UK, specialist VAWG services and economic abuse as part of VAWG. The third section explores VAWG and social security in more detail, particularly exemptions from some benefit rules. This is followed by descriptions of key points in a survivor's journey where different social security rules apply: when living with an abuser, moving on and setting up in a new home. The fifth section outlines some interactions with two key policy areas which can complicate a survivor's journey: immigration rules (reserved to Westminster) and housing (devolved, though with some reserved powers regarding housing costs). There are also different approaches to public sector equality laws which affect policies and strategies relating to women and survivors. The final section highlights the need to re-build a benefits system with women and survivors at its heart.

1. Women, austerity and social security

Women and austerity

About £37 billion per year will have been cut from social security by 2020 due to cuts and changes since 2010 (Annex 2)¹⁸. Women have borne the brunt of austerity, which has reduced the benefits and services

that women use and work in¹⁹. Black and Minority Ethnic (BME) women²⁰, disabled women²¹, households with large families and single parents are particularly badly hit²². 'Welfare reforms' are leading to poverty, debt and hardship for individuals, increasing costs and demands for local authorities, housing providers and specialist VAWG services²³. The United Nations (UN) Rapporteur on extreme poverty and human rights reported that changes have perpetuated the gendered aspects of poverty²⁴, taking a greater toll on women than men²⁵. The four-year 'freeze' to most working age benefits and tax credits has affected 9 out of 10 single parents, and other families with children²⁶. The freeze is currently in place until 2020; an earlier end would help families now, though if not feasible, this year's cut should be made good (otherwise future inflation-proofing starts from a lower base). The UN Committee on the Elimination of Discrimination Against Women (CEDAW) recommended that the UK Government assess the impact of austerity on women's rights and act to remedy negative effects²⁷.

Recommendation:

- ***End the benefit freeze immediately (or make good this year's cut).***

Austerity and abuse

Austerity measures that reduce incomes can also make women more vulnerable to abuse. A lower household income, particularly where a woman has no income of her own, can mean that survivors stay longer with an abusive partner, being at risk of further abuse. Women may have to sell sex as a result of social security changes, including Universal Credit (UC); the House of Commons Work and Pensions Select Committee's 'survival sex' inquiry was told that women have resorted to prostitution because they have been moved onto UC²⁸. The UN CEDAW recommended that women have access to employment, housing and social security so that they do not have to resort to 'sex for rent'²⁹.

Women and social security

Women tend to be more reliant than men on social security, being more likely to have caring responsibilities, interrupted employment patterns, lower incomes and lower pay³⁰. Women are also more likely than men to receive certain benefits, often related to caring roles³¹. In addition, women can be 'shock absorbers' of family poverty, often responsible for managing household budgets³². Because women are more likely to rely on social security than men, and to receive payments for others (typically children), some social security changes have a significant impact on women. As most VAWG survivors are women³³, those who have experienced abuse are also more likely to be affected.

- 95% of those receiving the Working Tax Credit (WTC) childcare element are women
- 87% of Child Benefit recipients are women.
- 87% of nominated carers receiving the Child Tax Credit (CTC) are women.
- 73% of Carer's Allowance recipients are women.

Women's independent incomes

An independent income for women, through social security or wages or both, is one way in which to help to achieve gender equality. Contributory and categorical benefits - such as non-means-tested Carer's Allowance, Employment and Support Allowance (ESA), Jobseeker's Allowance (JSA) - are more likely to

support economic independence as they are based on individual entitlement, so are preferable to means-tested benefits which depend on a partner's presence, actions and resources³⁴. The erosion of contributory and categorical benefits (from the benefits freeze and 'welfare reforms') means that the benefits with the greatest potential for economic independence have been significantly weakened since 2010. Some claimants are apparently being told that they can no longer claim contributory ESA or JSA and have been directed to claim UC instead³⁵. Online claiming seems to work against getting contributory benefits separately³⁶, and people may be advised that it is not worth claiming an individual benefit if the means test means that the household will be no better off.

Means-testing is problematic for independent incomes because it assesses a couple's resources jointly, ignoring the potential unequal sharing of resources within a household, which can generate individual poverty³⁷. UC involves further dependence; if one partner will not sign the claimant commitment, the couple's claim fails³⁸. This is of relevance to debates about whether and how to make separate payments of UC (being considered in Scotland – see section 4 below).

Social security changes particularly affecting women

Several benefit changes since 2010 have had a particular impact on women, including:

The Benefit Cap particularly affects single parents, predominantly women

The Benefit Cap limits the total amount of benefit to £20,000 per year (£23,000 in Greater London) unless the claimant or partner is working with monthly earnings above £542.88 per month or getting WTC (people getting a disability-related or carer benefit are exempt). Most people affected by the cap do not have to look for work (i.e. single parents with young children or those assessed as having limited capability for work)³⁹. 90% of single parents are women⁴⁰; three-quarters of 'capped' single parents have a child under five (who under legacy benefits would not be required to look for work⁴¹).

Recommendation:

- ***End the Benefit Cap.***

Payments for children disproportionately affect women as mothers and carers

Child Benefit and the Child Tax Credit (CTC) were designed on the basis of evidence that benefits labelled as for children, paid to the main carer (often women) are more likely to be spent on children⁴², also illustrated in more recent research⁴³. CTC is being replaced by UC, thus losing the twin advantages of the specific label and nominated payment to the main carer. CTC is also subject to the two-child limit (described as '*the most significant violation of human rights within the UK social security system*'⁴⁴). No per child element in CTC (or UC) is payable for a baby born on or after 6 April 2017 to parents who already claim for two or more other children⁴⁵. New births after that date do not qualify for a per child element, with some exceptions (including the 'rape clause': discussed in section 4). The policy was due to apply to all children irrespective of when they were born; but in January 2019 the Secretary of State announced that this would not go ahead⁴⁶.

Since 2010 **Child Benefit** has been frozen and from 2013 a high income charge has been applied where the claimant's (or in couples, their or their partner's income) is about £50,000 or more – unless the claimant gives up Child Benefit⁴⁷. Women are disproportionately affected as they account for around 9 out of 10 recipients⁴⁸. Child Benefit remains near-universal support for families, and this reduction in value should not be a reason to subsume Child Benefit into UC⁴⁹. Indeed, the 'Give Me Five' campaign calls on the Scottish Government to top up Child Benefit for each child by £5 per week⁵⁰. Child Benefit may be the only independent source of income for some women and a lifeline for VAWG survivors⁵¹.

Recommendations:

- ***Repeal the two-child limit immediately.***
- ***Retain and improve Child Benefit by ending the freeze, increasing its rate at least £5 per week in the first instance, removing the high income charge and keeping it separate from UC.***

Universal Credit design narrows women's choices

UC affects women because of means-testing and integrating previously separate benefits, which narrow the scope for individual entitlement (as shown above). As an integrated means-tested benefit, UC blurs the distinct purposes of former payments for specific needs (in effect, de-labelling).

This and other aspects of UC which disproportionately affect women⁵² include:

- The single payment to a couple, reflecting a 'male wage-earner model'. Couples must nominate one bank account (this could be a joint account, though this does not mean each partner has equal access to resources within it⁵³). As 60% of UC payments already go into the woman's bank account⁵⁴, the DWP is considering tweaks to online claiming to encourage people to nominate the main carer's account⁵⁵. However it remains a 'single payment', without the rationale of a label (which is the case with payments for children). It also neglects the situation of couples without dependent children. The UN Rapporteur on extreme poverty and human rights has also stated that this does not go far enough⁵⁶;
- Making a couple divide themselves into a 'main earner' and 'main carer' can polarise a couple's choices, and contradict other government policies emphasising shared parenting⁵⁷;
- The lack of a work allowance (earnings disregard) for second earners, who are mainly women (the main earner is a man in around 80% of couples entitled to UC⁵⁸);
- A lower rate of benefit for single parents under age 25, unlike in previous benefits;
- Treatment of childcare and housing (childcare costs can only be claimed after the first assessment period, so claimants must pay upfront and ask for a refund, creating barriers to work⁵⁹);
- Benefit reductions such as the Benefit Cap and the two-child limit;
- Allowances for reasonable restrictions on job search, not always known. This now affects more claimants since conditionality has been extended to previously exempt groups, including those in work. 'Easements' to conditionality are now contained in guidance not regulations⁶⁰ and there are concerns that the DWP places too much reliance on work coach discretion⁶¹;
- Sanctions for non-compliance have become more severe with single parents and disabled people among the groups most vulnerable to sanction⁶²;

- People are being deterred from claiming contributory benefits such as contribution-based Employment and Support Allowance (ESA) even when entitled to them; contributory benefits are paid on an individual basis and so can be an independent income for women, as noted above; and
- Families with children face considerable losses; compared with what UC first promised, single parents with children are estimated to be £2,380 per year worse off due to UC cuts⁶³.

People on existing benefits/tax credits are moving onto UC through a change of circumstances ('natural migration) or, following a pilot starting in July 2019, will be moved onto UC ('managed migration'). Those on managed migration may get transitional protection if their UC is below their previous entitlement⁶⁴. There is no transitional protection for natural migration. This means that women who have to make a new claim after a relationship breakdown do not benefit from transitional protection.

UC features which reduce the amount payable or delay payment can affect women because, in low-income families with children it is often women who are responsible for the day-to-day budgeting, trying to make limited funds stretch. Such UC features also include:

- The **whole month assessment**, where only the circumstances that apply on the last day of the assessment period count in the calculation, regardless of when those circumstances changed during the preceding month. This can have arbitrary effects (e.g. an award may not include an element for a teenage child who leaves home at the end of the assessment period) leaving some families with financial shortfalls, purely because of the date when these events occurred⁶⁵.
- **Monthly payment in arrears**, the **five-week wait**, and **delays** can also make budgeting difficult.

UC treats Statutory Maternity Pay (SMP) as earnings, reducing UC gradually at 63p in the £, but Maternity Allowance (disregarded under tax credits) reduces a UC award £ for £⁶⁶.

Some of these issues are further discussed in sections 4 and 5 in relation to survivors.

Recommendations:

- ***Pause natural and managed migration to UC (to prevent hardship and allow for gender analysis to take place).***
- ***Ensure that work-related conditionality is applied sensitively to carers, parents and survivors, and place these rules in regulations, as before.***
- ***Make separate payments of UC.***

The report now goes on to look at how Violence Against Women and Girls (VAWG) is conceptualised, approaches across the UK and the importance of VAWG services. It also highlights experiences of economic abuse, encompassed in the term 'VAWG'.

Violence Against Women and Girls and approaches in the UK

Violence Against Women and Girls (VAWG) is recognised as both a cause and a consequence of gender inequality, and is a human rights issue⁶⁷. Hence the gendered assumptions concerning caring responsibilities and household resources mentioned earlier affect survivors. VAWG and poverty are also

linked; VAWG is associated with low income, economic strain, and benefit receipt⁶⁸. As discussed below, abusers may prevent the survivor working or having money of her own, and survivors who leave the abuser often have to contend with the poverty of single parenthood. Women from all sections of society can experience VAWG, but groups particularly affected include⁶⁹:

- women and girls with learning disabilities, mental health issues or drug/alcohol dependency and those facing homelessness;
- women from some ethnic minorities may face further consequences of sexual violence (such as family or community shame, stigmatisation and rejection); and
- disabled women, who experience disproportionate levels of all forms of violence and abuse from carers, partners and those in the community, also facing additional barriers to support⁷⁰.

Legislation differs across the four UK nations

Across the UK there are different approaches to VAWG, to some extent reflecting the varied devolution settlements and different legal systems. For example, Scotland has its own legal system and so can legislate on criminal offences, whereas Wales shares a legal system with England so cannot do this. Equality laws, further discussed in section 7, are GB wide (and differ in Northern Ireland). Wales and Scotland have powers to legislate on the public sector equality duty in relation to its own public bodies.

Within this context, devolved governments have introduced their own legislation relating to VAWG. As well as reflecting differences in legal competence, the legislation also varies according to how far a gendered perspective has informed definitions of abuse. In Northern Ireland, definitions are 'gender-neutral' and so the provision available for women, and the wider legal context, is very different from GB. For example, compared to GB, there is no law of coercive control; no Independent Domestic Violence Advisers to support women; no access to abortion for victims of rape (condemned by the UN CEDAW and House of Commons Women and Equalities Committee⁷¹; no dedicated, government-funded rape crisis service; and low rates of conviction for crimes of sexual violence.

In England and Wales section 76 of the *Serious Crime Act 2015* made 'controlling or coercive behaviour' a criminal offence. Upskirting is now also a crime. In 2012, a cross-government working definition of domestic abuse was introduced. The intention is update this definition to include economic abuse, and to place what is currently only a working definition onto a statutory footing. A draft *Domestic Violence and Abuse Bill* was published in January 2019, and is being considered by a joint parliamentary committee. Wales and England share a legal system so the draft Bill is enforceable in both countries. A VAWG strategy for 2016-2020 was published in 2016 and refreshed in 2019. It acknowledges the gendered nature of VAWG and refers to initiatives to tackle sexual violence and exploitation (such as

Wales: The *Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015* places a duty on public bodies to publish joint local strategies for tackling violence against women, domestic abuse and sexual violence. It provides for Welsh Ministers to issue guidance and appoint a Ministerial adviser. Delivery includes a national communications framework and the 'Ask and Act' programme of targeted inquiry to encourage public sector staff to recognise indicators of abuse and ask clients about this.

Scotland: The *Domestic Abuse (Scotland) Act 2018* created a criminal offence which includes physical, sexual and psychological abuse within a coercive control framework that can take place over a sustained period; and changes criminal procedure, evidence and sentencing. The *Abusive Behaviour and Sexual Harm (Scotland) Act 2016* includes the introduction of a 'statutory domestic abuse aggravator' to ensure courts take domestic abuse into account when sentencing offenders. Scotland's Strategy for preventing and eradicating VAWG, *Equally Safe*, covers different forms of abuse and sexual exploitation and sexual violence. Its priorities are to achieve greater gender equality; intervene early and effectively to prevent abuse; and tackle perpetrators.

In Northern Ireland, a seven-year strategy was published in 2016, but definitions are gender-neutral.

Domestic violence and abuse is defined as 'threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member.'

Sexual violence and abuse is 'any behaviour (physical, psychological, verbal, virtual/online) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful, or unwanted that is inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability).'

Anyone knowing about a crime has a duty to report this to the police or face prosecution themselves under the *Criminal Law Act 1967*. This has wide-ranging ramifications for families with three or more children claiming means-tested benefits now that benefit is only usually paid for two children. An exemption enabling benefit to be paid for a third child can be given in cases of rape or conception within a coercive relationship. However the duty to report a crime potentially applies to survivors and third parties providing evidence to support exemption from the two-child limit (further discussed in section 4 below).

Abortion is illegal in Northern Ireland. It is a criminal offence to supply or administer drugs or procure an abortion, punishable by life imprisonment. This can apply to the women or anyone helping her. A termination can only be done if the women's life is at risk. Women have to travel to another jurisdiction for an abortion.

Recommendation:

- ***Ensure that women's rights are equally protected across all four nations of the UK.***

VAWG support services

Austerity measures have not only reduced the benefits that survivors rely on but have reduced the funding for much-needed services that support survivors with advice, advocacy and practical assistance. These services are especially important when a survivor does not have economic resources or support available to her⁷². Funding for women's services has been slashed⁷³, particularly for BME organisations⁷⁴, at a time of increasing demand and reduced statutory services and social security⁷⁵. Women's Aid's Annual Survey 2018

revealed that over 90% of specialist VAWG services in England had supported survivors to access food banks⁷⁶.

Across the UK, services are underfunded whilst demand is increasing:

- **In England**, Women's Aid services reported funding and sustainability as the biggest challenges, impacting on services' ability to support survivors (especially disabled women, BME women, women with no recourse to public funds (NRPF), and women with high support needs⁷⁷).
- **In Wales**, despite positive commitments, strategic commissioning requirements and collaborative regional boards, delivery is still in progress. 41% of Welsh Women's Aid member services were not fully funded for 2018/19⁷⁸ and funding has remained static, representing a real terms cut.
- **In England and Wales**, there is no sustainable model of funding for Rape Crisis Centres, the freezing of funding and closure of some centres resulting in victims being unable to access services⁷⁹.
- **In Scotland**, for 2016/17, 86% of services were operating with a reduced or standstill budget, with waiting lists for refuge services and outreach support; 35% reported having to make changes to the services they provide due to reduced funding⁸⁰. 44% of groups reported that changes to social security benefits had an impact on service provision due to increased workload.
- **In Northern Ireland**, refuge services for women and children are inadequately resourced; in 2016/7, 245 women could not access refuge provision as they were full, illustrating how lack of funding reduces capacity to provide refuge for all women in crisis situations⁸¹.

Specialist support services are crucial in helping VAWG survivors with social security – over 80% of Women's Aid services in England supported women to access their own finances after these had been controlled by the perpetrator, the majority working with agencies specialising in finances to do so⁸².

Some advice services have been funded through devolved authorities' mitigation packages (Annex 3) though across the UK, advice services are vital in helping claimants to access entitlements and navigate social security, especially when decisions such as sanctions can trigger destitution⁸³. Cuts to advice and support mean that people are being 'deprived of the means to fight back'⁸⁴; cuts to civil legal aid for advice/advocacy concerning benefits, housing, family law (all crucial for VAWG survivors) means that lawyers can no longer afford to do this work, fragmenting the legal infrastructure and expertise⁸⁵. This highlights the need for both generalist advice services and specialist VAWG services, working together.

Lack of support for survivors also impacts upon generalist services. Initiatives to support survivors to disclose abuse, like the Citizen's Advice 'ASK' project⁸⁶ and the Welsh Government's 'Ask and Act' duty⁸⁷, also rely on access to local support services to provide specialist support to women once they have disclosed. Underfunding of specialist services compromises such laudable initiatives.

The announcement of a new legal duty on local authorities in England to provide accommodation-based services and support⁸⁸ is broadly welcome. However it is critical that specialist support (e.g. women-only and BME services) is retained and survivors enabled to move between local authorities⁸⁹.

Recommendations:

- ***Funding for support services is needed if generalist agencies are encouraging women to disclose.***

- *Ensure that sustainable funding is available for vital and life-saving specialist 'by and for' BME support and advocacy services.*
- *Ensure sustainable funding for generalist advice/legal aid services is available across all four UK nations.*
- *Set up mechanisms to ensure long-term sustainable funding to ensure support services for survivors.*

Economic abuse is part of VAWG

VAWG covers all forms of violence and abuse, and, although perhaps not immediately visible from the acronym, also encompasses economic abuse. Economic abuse is where someone interferes with their partner's ability to acquire, use and maintain economic resources. Women are more likely to experience economic abuse than men, and for longer periods, often continuing post-separation⁹⁰.

Economic abuse is particularly dangerous as it is often a key tactic used by abusers to control their partners and prevent them leaving, so women may stay with an abuser for longer than they want because they have no resources to leave. In one survey almost half of survivors said they could not afford to leave⁹¹. Another survey found that over two-thirds of survivors had experienced economic abuse, many not having enough money to pay for essentials like food; just under half of respondents reported that they did not/do not have enough money for essential needs during the relationship and a quarter said that their partner did not/does not let them have money for essentials⁹².

Abusers will exploit existing economic dependence, or seek to create economic instability⁹³:

- Abusers exploit existing economic dependence or if someone has good access to economic resources, will seek to create economic instability in order to create barriers to leaving.
- Many women stay with an abusive partner for longer they want to because they have no access to the economic resources they need to leave; so they experience more harm as a result.
- At the same time, one of the primary reasons women return to an abusive partner is because they cannot access the economic resources they require to be self-sufficient.
- The impact of economic abuse can also create new risks. For instance, women may enter into new relationships sooner than they want to in order to access economic security. They may be at risk of sexual exploitation from landlords or loan sharks.

Even after fleeing abuse, the consequences of abuse often follow, though post-separation abuse is not always recognised by generalist agencies such as housing⁹⁴. Post-separation abuse can include being liable for a former partner's debt and rent arrears, which can affect access to housing and housing benefits; and legal disputes with former partners concerning child contact.

Economic abuse and benefits

Economic abuse can include using and abusing benefits that are intended for the survivor, such as where an abuser nominates themselves as the payee for the survivor's benefits, or steals benefit money⁹⁵. Disabled women are at particular risk⁹⁶. Migrant women are at risk if their immigration status precludes them from claiming benefit, as this can be used by abusers to prevent them leaving⁹⁷.

VAWG and social security are therefore closely linked. One study found that survivors' benefit receipt increased after entering into a relationship with the abuser and rose steeply when exiting the relationship⁹⁸. This link may be most obvious where economic abuse leaves the survivor without any money of her own (and so without the resources to leave).

Other aspects of VAWG and social security that may be less apparent include situations where the abuser manipulates the survivor's benefit payment or entitlement for the abuser's own purposes. As economic abuse entails disrupting the survivor's economic security, a survivor's benefit claim (even after they have left) may also be at risk through the abuser's manipulation. Abusers may make malicious allegations of fraud to the DWP, with benefit payments suspended pending investigation, enabling the abuser to maintain control over their former partner and leaving survivors no money⁹⁹. A survivor may also be wrongly sanctioned (such as for non-attendance at an appointment with a work coach where the abuser has prevented her from leaving the home)¹⁰⁰.

Economic abuse, social security and the Domestic Abuse Bill

Economic abuse is included in a statutory definition of abuse in the Home Office draft Domestic Abuse Bill¹⁰¹. However the Bill's potential is undermined by aspects of the benefits system that give additional scope for abusers to misuse benefits (e.g. the UC single payment), thus 'setting the scene' for abuse¹⁰²; and by failing to meet survivors' needs when living with or leaving the abuser (discussed in the following two sections).

Issues within the social security system affecting survivors are further discussed in the next section, focussing on the approach of 'exemptions' for survivors, requiring disclosure and proof of abuse.

Survivors, social security and 'exemptions'

Social security can be a vital support for women. But when benefits are unavailable or delayed, this can jeopardise a survivor's ability to live safely; threaten temporary accommodation arrangements (such as when the Benefit Cap is applied); and undermine a survivor's ability to sustain a permanent home¹⁰³. Problems can arise from policy decisions or their administration¹⁰⁴.

Benefit mitigations and exemptions for survivors

Some social security changes since 2010 (and in some cases the benefits that preceded them) contain rules which take some account of VAWG survivors, or are intended in some way to mitigate a general policy. These often take the form of exemptions and discretion.

- Exemptions include split payments, the 'non-consensual conception exemption' from the two-child limit and easements to work-related conditionality for 'domestic abuse'. However these require disclosure, proof of abuse, and rely on staff awareness of these exemptions and when to use them. Exemptions are not open-ended but often have additional conditions attached.
- Discretion includes localised benefits such as Discretionary Housing Payments (DHPs) and local welfare assistance, where 'domestic abuse' may be a priority category (though of course being discretionary,

support is not guaranteed). DHPs are relevant where policies contain no exemptions for survivors, such as the Benefit Cap¹⁰⁵. (Discretionary payments across the four nations are outlined in Annex 3).

Some exemptions are only available when still living with the abuser; others only after fleeing abuse.

When living together, ‘domestic abuse’ or ‘financial abuse’ can be grounds for an exception to the UC single monthly payment.

Across GB, Alternative Payment Arrangements (APAs) to the UC single monthly payment can be made, such as payment of housing costs direct to the landlord and more frequent payments to the claimant. These are discretionary and likely to be temporary. APAs are only for ‘exceptional circumstances’; guidance advises that they are more likely to be made where the claimant has a ‘tier one vulnerability’ (e.g. experiencing homelessness, rent arrears, debt, ‘domestic abuse’). There are different arrangements in Scotland (though APAs also apply there) and in Northern Ireland (see Annex 3).

Split payments are another form of APA:

- GB rules are that UC can be split between a couple in ‘exceptional’ circumstances (e.g. financial abuse/mismanagement or ‘domestic abuse’¹⁰⁶). Like other APAs, split payments are discretionary and temporary (lasting on average for three months¹⁰⁷). Usually, split payments are only considered after a direct payment of housing costs to the landlord, as APAs are decided in hierarchical order¹⁰⁸. As of February 2019, 45 split payments were made (26 of these to couples with children¹⁰⁹). Small (though increasing) numbers may reflect concerns that the process of applying for a split payment could increase the risk of abuse¹¹⁰, and that the IT system has not been designed for this. Calls for automatic separate payments of UC have been rejected by the DWP on the basis that the small numbers of split payments to date means this has low priority for automation; manually arranging separate payments would undermine UC IT¹¹¹; and that split payments do not solve ‘domestic abuse’¹¹². But IT is essentially a policy design choice; Ministers stated in 2011/12 that there was IT capability to split payments if more were to be made¹¹³.
- **In Scotland**, legislation passed in 2018 aimed to separate payments automatically (unless couples opted for one payment)¹¹⁴. Objectives are to provide UC claimants with access to an independent income based on individual needs and to promote equality in the ‘welfare system’. Options are under development and consideration is being given to entitlement-based options which give individual elements to the person who qualifies (e.g. child element to the main carer), and splitting the standard allowance 50:50¹¹⁵. Questions include whether separate payments should be by default (and if so, whether by opting in or opting out) or claimant choice; whether earnings and other incomes which reduce the UC award are deducted from each person’s UC in equal proportions, or only from the person who receives it. A separate payment would have to be delivered via DWP’s IT (which is thus a UK-wide barrier).
- **In Northern Ireland**, concerns about the single UC payment were highlighted in the 2013 ‘Empty Purse’ campaign¹¹⁶. Originally, Ministers intended to offer a choice of options: single payment to one partner’s bank account; single payment into a joint account; payment split on the basis of main carer and payments for children into a separate bank account¹¹⁷. With no Ministers since the suspension of the

Assembly in 2017 there was concern that the policy had reverted to a single payment (especially as the IT system was being seen as a barrier). However split payments can in principle be available on request, without being subject to 'exceptional' criteria as in GB. By early 2019 the Department for Communities confirmed that only two split payments had been made¹¹⁸.

Recommendation:

- ***Change IT to enable separate payments of UC to each member of a couple.***

When living apart, exemptions include:

The Domestic Violence Easement (DVE)

Job search or work preparation requirements can be temporarily waived where a claimant has left an abusive partner. The Domestic Violence Easement (DVE) is available initially for four weeks, and can be extended up to 13 weeks. Abuse must have occurred within the last six months. The DVE can only be used once in a 12-month period. However, even job centre staff have reported that they believe the DVE is too bureaucratic and they often feel ill-equipped to deal with disclosures¹¹⁹. In one survey, 56% of survivors said that abuse affected their ability to work¹²⁰; Women's Aid recommends removing the six-month time limit; lifting the once a year restriction; and extending the 13-week exemption to 12 months. In 2014, around 2,000 DVEs were granted¹²¹, but the DWP cannot identify specific easements applied to UC claimants because this has not been included in the UC Management Information system¹²², making it difficult to know if guidance is being followed. Claimant 'vulnerabilities' can be recorded on an individual's online journal, through 'pinned notes', which the DWP has been unable to centrally collate to get aggregate data about claimant vulnerabilities¹²³ (though this is being considered for the next UC development stage). Meanwhile the DWP cannot give data about numbers of conditionality easements such as the DVE. There is also a 'child in distress' easement which may be relevant to some survivors¹²⁴. If unable to comply with work-related conditionality, survivors are at risk of sanction; but the DVE is not always known about or applied. One example illustrates survivors' experiences¹²⁵ :

Being pushed to go back into work all the while coming to terms with rape trauma was, to be honest, really quite horrendous [...] There was quite a lot of pressure on me from my work coach who said I wasn't finding work quick enough, but I didn't feel able to work. I just had to push through it. I only recently found out that I could have had support. That could have made all the difference.

The two-child limit 'non-consensual conception exemption' ('rape clause')

This exemption to the two-child limit applies where the child was conceived as a result of a non-consensual sexual act or where the claimant was living with an abuser and subject to coercion or control. It only applies to the third or subsequent children (not the first two). To qualify:

- ***The claimant must no longer be living live with the abuser/rapist.*** This places women in the dreadful position of choosing between poverty and personal safety. It may also place survivors at risk as the most dangerous time for a woman and her children is when she is in the process of leaving her abuser, so the time of leaving should be the woman's choice.

- ***The survivor must also provide evidence from an approved third party*** (health care professional, social worker or other approved organisation) that they were in contact with an approved person about the rape or coercive or control. Third party evidence is not required in some circumstances, e.g. if there has been a conviction of rape or coercive controlling behaviour¹²⁶.
 - Due to concerns about the policy as a whole, support groups in Scotland and Wales have boycotted the third-party referral process¹²⁷.
 - The British Medical Association has branded the exemption ‘shameful’ and supports doctors who choose not to participate in the process¹²⁸.
- In Northern Ireland, someone knowing about a crime has a duty to report it to the police or face prosecution themselves, potentially affecting survivors and third parties providing evidence¹²⁹, even benefit staff, and places survivors in the position of choosing poverty or criminalisation. Advice from the Northern Ireland Attorney General is that the ‘rape clause’ should not result in a criminal offence¹³⁰, but the law remains intact. Abortion is illegal, so a woman seeking one, or anyone helping her, is committing a crime, punishable by life imprisonment. The two-child limit is particularly problematic in Northern Ireland where large families are common. Northern Ireland is also the only part of the UK without a childcare strategy (thus making it more difficult for women to get an independent income from paid employment or make up any benefit shortfalls via earnings).

Recommendation:

- ***Repeal the two-child limit immediately.***

Exemptions and disclosure

Having to identify and provide proof of abuse places the onus on survivors to disclose to Jobcentre Plus. This can be an additional barrier to survivors leaving an abuser and to recovering from such abuse once they have left. Survivors are often reluctant to disclose to Jobcentre Plus, and fear that asking for a split payment would put them at risk of further abuse when the abuser finds out¹³¹. At the same time, work coaches often feel ill-equipped to deal with disclosures¹³².

Attempts by the DWP to encourage claimants to disclose abuse should be accompanied by a review of local support services, and funding put in place to ensure adequate support for survivors once they have disclosed. The success of initiatives to support disclosure, such as the Citizen’s Advice ‘ASK’, discussed above, relies on adequate referral pathways to local specialist VAWG services for women once they have disclosed. More disclosures to Jobcentre Plus could mean increased demand for specialist VAWG services; so there needs to be sufficient provision, and adequate training, in place *before* it is safe to ask women to disclose.

The DWP has emphasised greater training for staff (partly as a reason for not making separate UC payments to each partner)¹³³. Whilst training to support front line staff to identify when VAWG may be occurring and to support disclosure is welcome, it needs to be in-depth and enough time allocated. We understand that only half an hour out of two days training is offered – this is not enough to equip staff to handle disclosures. Partial training could also be dangerous if as a result staff then believe they are experts and attempt to deal with complex issues inappropriately.

Recommendations:

- ***Ensure that job centre staff have in-depth, specialist training if expecting women to disclose abuse.***
- ***Review local specialist support services for VAWG survivors and ensure they are funded to provide adequate referral pathways for survivors once they have disclosed to the DWP (or other agencies).***

Ministers have also promised a ‘domestic abuse’ specialist in each Jobcentre Plus District¹³⁴. Another model to consider is ‘co-location’ whereby specialist VAWG workers are placed in offices such as job centres and local authority housing departments. The co-location of an Independent Sexual Misconduct Advisory Service¹³⁵ in Westminster is one model which could be emulated more widely.

Recommendation:

- ***Work with local organisations to co-locate a VAWG specialist in each Jobcentre Plus district.***

Whilst offering some recognition of abuse, responses such as exemptions and training can deflect attention away from the underlying benefit structure and design, thus missing opportunities to narrow the scope for abuse and to promote gender equality¹³⁶. Rather than bolting on exemptions to policies which are problematic for many claimants in the first place, re-design is needed.

In the next section we focus on interactions between social security and VAWG through a survivor’s journey – when they are living with abuser, when leaving the abuser and setting up in a new home.

Survivors’ social security journey

Social security rules affect survivors when living with an abuser, when leaving or ending the abuse, and when rebuilding a new life¹³⁷. This journey does not imply that all survivors experience these stages in linear fashion, but to illustrate which social security rules can apply at each stage. The examples of Chris and Anita are ‘composites’ of survivor circumstances.

Living with the abuser

Rules such as the Benefit Cap or No Recourse to Public Funds (NRPF), discussed in section 6, can be used by an abuser to frighten survivors into staying with them, as in the example of Anita, below. As we have seen, poverty resulting from the Benefit Cap or other social security cuts can leave survivors trapped with an abusive partner¹³⁸. Being unable to afford to leave, and fearing the financial implications of leaving, can mean that survivors stay longer, increasing the risk of abuse¹³⁹. When living together, the two-child limit applies (but not the ‘rape clause’ exemption), and Universal Credit (UC) Alternative Payment Arrangements (APAs) may apply so that rent can be paid direct to the landlord (as in the case of Chris) or UC paid more frequently. Payments can be split between partners, as noted above – though with attendant risks that this could spark further abuse when the abuser finds out.

Chris has two children and is pregnant with her third child. She lives with her husband Jim, who has kept her away from her friends and family, stopped her working, taken out loans in her name and forced her to become pregnant again. She has to manage on a small weekly allowance that Jim gives her. He has been working part time and claiming Working Tax Credit, Child Tax Credit and Housing Benefit (though Housing Benefit doesn’t cover all of the rent so they are in arrears because Jim doesn’t

landlord). Jim has recently lost his job through sickness and claimed Employment and Support Allowance but has been told he will have to claim Universal Credit instead. Chris has her baby. Jim nominates his own bank account for Universal Credit; their entitlement is reduced by the two-child limit

Anita is being kept locked in the house most of the day by her husband and family. She doesn't speak English has no access to money or support. Her immigration status means that she has no recourse to public funds. Her husband has told her not to have anything to do with the authorities because she will be deported and the children taken away from her by social services.

Leaving can be difficult or impossible if the survivor has no access to benefits (worsened by benefit cuts). Reductions in crisis support (formerly under the centralised DWP discretionary Social Fund) mean fewer options to meet the immediate costs of leaving¹⁴⁰. Local provision varies but one in seven councils in England no longer has a welfare assistance scheme; those that do have cut spending¹⁴¹.

Chris decides to leave, though she has no money of her own and so cannot afford even a taxi fare to a refuge. She rings the National Helpline but because she has three children and mental health needs, is refused a refuge space several times. She becomes exhausted with trying so decides to stay with Jim. A year later she sees a poster in the toilet at the GP surgery with the number of a local support service. The service helps her to leave, paying for her to get to a refuge in a neighbouring authority.

Anita's daughter spoke to her teacher about Anita's situation, and the teacher sent details of the Helpline and a local support service. Helpline staff tried to get her a refuge place, but she was turned away four times as the refuges had no funding for people with no recourse to public funds. Eventually the local support service found her a refuge space, though she also encountered difficulties finding move-on space due to having no recourse. Anita left the refuge to go back to her husband and the service hasn't heard from her since.

Once separated, the survivor can make a claim in her own right, which can be complex and take time; survivors who have left documentation with the abuser may find it difficult to provide proof of identity¹⁴². Some survivors have been unable to make an online UC claim after leaving an abuser as they have no bank account. Some claimants can be worse off after leaving an abuser through having to leave existing benefits and make a new claim to UC under 'natural migration', such as a recently-separated survivor who was £20 per week worse off under UC than under previous benefits¹⁴³. As noted above, no transitional protection is available for natural migration.

There usually is a five-week wait for UC. For refuge residents, this can be extended to up to ten weeks given the complexity of change of circumstances and resolving issues such as Housing Benefit (HB) for two homes, compounded by individuals having to give explicit consent for each issue raised (creating difficulties for support workers when helping survivors¹⁴⁴). An advance can be claimed but is deducted from UC, meaning less money during the repayment period; those receiving an advance at their home address may not be eligible for another if subsequently claiming when in refuge.

As discussed in sections 2 and 4 above, conditionality can be a problem if someone is required to undertake work-related activities or attend appointments without regard to their caring responsibilities, health

appointments, or trauma following abuse; they may be sanctioned for not applying for jobs that would put them at risk, such as near the perpetrator's home or workplace¹⁴⁵.

People moving into temporary accommodation have been refused support with moving costs because they are not going to settled accommodation; one survivor was refused furniture as she claimed from an adjoining authority (despite guidance that such applications should be considered¹⁴⁶).

Women with children usually take on the additional challenges of being a single parent when leaving an abuser, often encountering disputes over child support, when they need to address and recover from the trauma they have experienced¹⁴⁷. A mother may have to prove responsibility for a child in order to get or keep payments for children (such as Child Benefit) if these are contested by the abuser; there are different rules for Child Benefit and CTC and only one parent can receive each benefit¹⁴⁸. (We understand that HMRC is looking to expedite such claims).

Moving to a new home

Getting a new home can entail costs in obtaining basic items like furniture. These were formerly covered by community care grants via the DWP's Social Fund but are now at the local authority's discretion (see Annex 2). Money for rent and a deposit must be found in advance. Rents are often higher in privately rented property, increasing the risk that benefits will not cover the full amount. This problem has been exacerbated by cuts to Local Housing Allowance (LHA) rates (discussed in section 6 below) and the Benefit Cap.

This leaves just Discretionary Housing Payments (DHPs) to contribute towards a shortfall between rent and benefits, though these are discretionary, may not meet the entire shortfall, and can be temporary. Single parents can avoid the Benefit Cap if working and earning sufficiently. However, looking for and getting work can be difficult during this transition as survivors may have travelled some distance to escape the abuser so may be far away from others providing childcare support. Exemptions from work-related conditionality rules for survivors were intended to recognise these barriers but the Benefit Cap does not take account of them. The two-child limit may also apply, though a single parent leaving a rapist may qualify for the 'rape clause' exemption (discussed above).

Chris claims Universal Credit in her own right but she has no documents with her so it takes a long time for the claim to be verified, plus she has a five-week wait before payment is due. The refuge service helps her claim for an advance but this has to be repaid. Jim is disputing her entitlement to Child Benefit and Universal Credit child elements which holds things up. Her support worker also tells her about the two-child limit and the 'non-consensual conception' exemption – Chris is not sure she can face this. The refuge service helps Chris to find privately rented housing, and get a discretionary housing payment to cover rent in advance. But Universal Credit doesn't cover the full amount of rent because of the Local Housing Allowance Cap and the Benefit Cap. She cannot get any help with furniture from the local authority as their local welfare assistance fund is running low on money and they have told her she is not a resident as she is from another local authority area. The refuge service tries to help out with using donations from the public but their funds are also running low.

As can be seen from the stages in this journey, survivors are likely to encounter several social security policies which we have already noted disproportionately and negatively affect women. As noted above, even the exemptions which are intended to support survivors rarely do so because of the conditions attached to them and the requirement to identify and prove abuse.

Survivors can feel trapped by systems that are supposed to support them

Survivors can feel trapped by the systems that should be there to support them: *“It’s a circular mess, an endless cycle. You are trapped and there is nobody there to help you”*¹⁴⁹; with some survivors feeling they are moving from being dependent on the abuser to becoming dependent on the state¹⁵⁰. There have also been suggestions that statutory agencies may fail to meet women’s needs, in such a way that survivors feel amounts to a repeat form of abuse¹⁵¹. We saw earlier that economic abuse can involve not giving the survivor any money, or only giving a small allowance; expecting her to manage on an inadequate income; making her account for each item, provide proof of spending; denying her basic necessities. In some respects it could be argued that there is some similarity in the experience of economic abuse and of claiming benefits¹⁵². For example, as highlighted in the survivors’ journey:

- Survivors are managing an often inadequate benefit income due to deductions, such as from the Benefit Cap and two-child limit (both of which break the link between need and entitlement). Not having enough money can also be compounded by the benefits freeze, restrictions on the amount of housing costs that can be covered by UC or HB, other UC features such as monthly assessment.
- Survivors subject to work-related conditionality may be expected to undertake and provide detailed accounts about specific job search activities or job applications, especially where easements to conditionality for parents or survivors are not known about or applied. Gaining access to exemptions requires a survivor to disclose and prove abuse and meet other conditions.
- Survivors have to provide receipts before they can be reimbursed for some of their childcare costs.
- Survivors can be denied access to money such as through the imposition of the ‘No Recourse to Public Funds’ (NRPF) (discussed in the next section).

A VAWG organisation told the WBG about one survivor who felt the indignity of claiming benefits was worse than continuing in prostitution:

We supported a woman who wanted to exit prostitution last year. She was staying in one of our refuges and spent a week going back and forth to the benefits office trying to get herself sorted. After a week of no success due to a combination of the system, the delay and the complete lack of support for her as someone who had been a sex worker for quite some time, she gave up because she felt the indignity of what the benefits system was doing to her was worse than the idea of continuing in prostitution when she didn’t want to do that. If that isn’t a damning indictment of the current system for women, I don’t know what is!

Survivors' experiences in relation to social security can become further complicated by interactions with other policies; two key areas are immigration and housing. These issues are discussed next.

Interactions with immigration and housing

As can be seen from the survivor's journey above, some survivors experience multiple impacts of different social security policies at each stage; when living with an abuser; when leaving; and moving to a new home, with many living as a single parent. All have been affected by the benefits freeze, and some will also be affected by the Benefit Cap and changes to disability benefits. Social security also interacts with other policy areas; below we discuss interactions with two key policies: immigration (reserved) and housing (both reserved and devolved responsibilities).

There may also be knock-on effects across different systems¹⁵³:

An abuser receives all of the UC payment, but fails to pay the rent, accruing arrears (as well as running up debts in the survivor's name). Social services get involved and because of the abuse take the children into care temporarily. This means that the UC child element is no longer payable. In addition the survivor is deemed to be occupying a property too large for her family size so the bedroom tax applies; as a result her UC goes down dramatically. She can no longer afford the rent so is evicted. As she does not have the children with her this affects the chance of getting new accommodation; which in turn affects her chances of getting her children back.

Interactions with immigration

Immigration rules are reserved. In the context of a 'hostile environment' for migrants, a survivor risks being treated as an immigration offender when they seek help, rather than someone in need of protection. Yet migrant women are particularly vulnerable to forced dependence on men for accommodation, increasing the risk of vulnerability to sexual and labour exploitation¹⁵⁴. 'No Recourse to Public Funds' (NRPF) is imposed on someone because of their immigration status, and allows them to live in the UK only on condition that they do not claim certain benefits, tax credits or housing support paid for by the state. Families with children may be able to access support from local authority social services departments but this is increasingly difficult to obtain¹⁵⁵. Also, finding and funding a refuge place can be extremely difficult¹⁵⁶. In effect, NRPF '*builds in destitution and discrimination*'¹⁵⁷.

Destitute Domestic Violence Concession

Someone who entered the UK on a spouse or partner visa (other forms of visa do not qualify) and is experiencing VAWG can apply for a Destitute Domestic Violence Concession (DDVC) for three months to enable benefits and services to be claimed and apply for indefinite leave to remain.

Many women cannot access the DDVC as they do not have the relevant visa; and EEA nationals are not currently eligible. Women's Aid found that, of 101 women with NRPF supported by caseworkers in 2016-17, over two-thirds were ineligible for the DDVC, thus facing serious risks and hardships¹⁵⁸. There are calls for wider eligibility criteria enabling more women to access the DDVC, and for this support to last for longer;

three months is too short a time for many migrant women, especially when it can take six weeks for an application to be processed and for many to receive benefit. It is also too short a time for refuge service funding to support such survivors¹⁵⁹. The UK Government’s response to the Domestic Abuse Bill consultation indicated that it would consider evidence for widening eligibility, though ominously also stated that ‘In some cases, the victim of domestic abuse may be best served by returning to their country of origin’¹⁶⁰. The Government also argued that extending the DDVC from three to six months would make no difference as most applications are dealt with in three months.

Information about numbers of DDVCs was difficult to find from Parliamentary answers after 2015¹⁶¹; however, the Home Office has referred to around 1,000 DDVCs being granted in 2017¹⁶².

Numbers granted the DDVC

Year	(1) Numbers granted	(2) Numbers subsequently granted leave to remain
2015	680	555
2016	755	645
2017	910	830
2018	1,210	575
TOTALS	3,555	2,605

Notes: No.s of cases granted at first decision between 1.1.15-31.12.18. (1) count of cases (so someone may have been granted more than once). (2) count of persons. Source: Home Office FOI 52890

As women with NRPF cannot claim HB, accessing a refuge space is extremely difficult (only 7% of those with NRPF in one survey); acceptance by a refuge is often dependent on the woman having funding in place from the DDVC or agreed funding from another statutory source (such as social services)¹⁶³. Scottish Women’s Aid has reported that some services were told by their local authority that as a condition of their funding they cannot accommodate or support women with NRPF unless demonstrating that this provision has not been met through using public funds¹⁶⁴. A person with children, or an adult with care needs, can be eligible for social services support, though often only seek support when in crisis¹⁶⁵. So in the example of Anita above, social services might have been able to support her in a refuge service.

Immigration rules can also have an impact on devolved policy areas such as health and third sector support in integrating migrants into local communities. For example, the Scottish Government has a strategy to enable refugees and asylum-seekers to access housing support and options to enable them to move to a more permanent home. The Scottish Parliament has also recommended that the Scottish Government set up a Destitution Fund for VAWG survivors unable to access other help (including European Economic Area (EEA) nationals) and work with the UK Government to enable all women to access refuge services, irrespective of immigration status. The Scottish Welfare Fund can also give ‘Family Reunion Crisis Grants’ to support refugee families arriving in Scotland under family reunion rules, who have basic needs in their first few days before they can access benefits¹⁶⁶.

EEA nationals

Currently women from EEA countries have some ‘free movement’ rights to enter and remain in the UK, to work and access housing or healthcare support and benefits (some who are trafficked into the UK from the

EEA can remain using these rights¹⁶⁷). To claim means-tested benefits (like Universal Credit (UC) and Housing Benefit (HB)), or Child Benefit and Child Tax Credit (CTC)¹⁶⁸ the person must show they are habitually resident, which includes a 'right to reside' in the UK (unless exempt, such as having EEA 'worker' status)¹⁶⁹. Rules are complex but in summary someone must have been here for at least three months to apply for benefits, and show a realistic chance of finding employment¹⁷⁰. Conditions for retaining 'worker status' do not include leaving work to provide care; and the impact of care on subsequent job-seeking is not recognised¹⁷¹. A VAWG survivor who is an EEA national or the partner of an EEA national may have no access to benefits, as in the example below¹⁷²:

An EU national fled domestic abuse from her husband who is a British national. She is currently in emergency accommodation with her two children, but had been refused Housing Benefit and Income Support because she is deemed not have a right to reside that would entitle her to benefits. The circumstances of the case indicate that it may be arguable that she does have a right to reside but there is no guarantee that this would be successful (as it would be reliant on interpretation of case law) and is likely to take time. In the meantime the client has no income. Her husband is looking to exert his parental rights and prevent her returning to Europe with the children, and is building a case asserting that her destitution indicates that she is unfit to look after the children. #709

People may have had their residency assessed and accepted for 'legacy' benefits such as ESA. However, advisers have reported that claimants who have been forced to 'naturally' migrate to UC (e.g. because they failed the work capability assessment) have been refused UC as they do not have a right to reside¹⁷³. In some cases people may no longer have the evidence used when this decision was made on their previous benefit; in any case it appears that UC decisions do not simply follow legacy benefits.

Recommendations:

- ***Introduce a non-discrimination clause in the Domestic Abuse Bill to ensure that public services respond effectively to all VAWG survivors regardless of their immigration status.***
- ***Establish safe reporting systems for women accessing vital public services, so that all VAWG survivors can safely report abuse to the police, social services, health professionals and others without fear of immigration enforcement.***
- ***Extend eligibility for the existing Domestic Violence Rule and Destitution Domestic Violence Concession to all migrant women experiencing or at risk of abuse.***
- ***De-link the No Recourse to Public Funds condition from a woman's eligibility for refuge services and ensure that the statutory definition of domestic abuse covers the abuse of immigration status.***

Interactions with housing

When deciding to leave, survivors may wish to stay in their own homes or to seek alternatives. A recent Women's Aid survey found that a third of survivors had to give up their home as a result of abuse or leaving the relationship¹⁷⁴. Help with housing costs (via Housing Benefit (HB) and Universal Credit (UC) is mainly reserved; but housing support (such as homelessness) is devolved.

Housing costs changes

Changes in the calculation of eligible rent have created a shortfall between the amount of benefit payable and actual rent. For example, **Local Housing Allowance** (LHA) rates restrict how much private sector rent that can be covered. LHA rates are no longer linked to actual rents, being uprated below actual rent levels for four years, and frozen since 2016; so benefit does not cover housing costs even in the lowest quarter of private rents¹⁷⁵. Single people under age 35 privately renting can only claim for an amount equivalent to a room in a shared house¹⁷⁶. This means having to live with others (possibly strangers) in a shared house or have a larger shortfall between housing payments and actual rent liability. Living with strangers is not appropriate for women who have experienced trauma and abuse. Women without custody of their children but hoping to live with them again are caught in a vicious circle; they cannot claim full housing costs because their children do not live with them, but cannot have their children back with them because they are in shared accommodation¹⁷⁷.

In social housing, the abolition of the **'spare room subsidy'** (also called the **'bedroom tax'**) reduces the amount of eligible rent for claimants living in a property deemed to be too large for their family size. Under these rules, two children under 16 of the same sex are expected to share one bedroom, as are two children under 10, regardless of sex. Supported accommodation such as refuge services is exempt, but the bedroom tax could apply where survivors have a 'panic room' installed for safety reasons¹⁷⁸.

As noted above, HB and UC can include benefit for two homes where someone has to move out temporarily. Discretionary Housing Payments (DHPs), which can support individuals to meet the shortfall between benefit and rent liability, are devolved to local authorities, and are discretionary and temporary. Survivors can claim HB for a refuge stay rather than housing costs via UC.

Homelessness

The interaction between cuts and changes to housing costs and the limited availability of social housing and barriers to accessing privately rented homes can create financial insecurity for survivors¹⁷⁹. Survivors leaving an abuser may request help under homelessness laws. Housing is devolved and applications are handled by local councils. Local authority funding has been halved whilst demand for homelessness services increases¹⁸⁰. The main homelessness provisions are in the boxes below:

In Scotland the aim is to abolish priority need categories for homelessness (so that any applicant has the right to a settled home). There is a 7-day limit for families with children and pregnant women on staying in B&B accommodation.

Whilst domestic abuse is recognised as a major cause of homelessness, gender is absent from a new government strategy on ending homelessness.

Legislation aims to improve security and stability for private tenants; a social housing provider can transfer a Scottish Secure Tenancy to the tenant's spouse or partner where the applicant no longer wishes to live with their ex-partner. Discussions are under way to enable a landlord to apply to evict a perpetrator and transfer the tenancy into the survivor's name.

In England, local authorities have a duty to secure accommodation for unintentionally homeless households in 'priority need' and to make advice and assistance available to anyone in their district. Under the Homelessness Reduction Act 2017 authorities are now required to place more emphasis on the prevention and relief of homelessness for all eligible applicants (aiming to reduce numbers of households owed a main homelessness duty and reduce the use of temporary accommodation).

Under the Housing Act 1996 and the Homelessness Act 2002 local housing teams have a duty to assist those fleeing domestic abuse, and their dependants. Survivors should be considered unintentionally homeless if forced to leave home because of domestic abuse. Any local council can be approached, and should normally provide emergency housing while making further inquiries, and may have a duty to re-house.

The **Northern Ireland Housing Executive** is a large social landlord, administers Housing Benefit, allocations and homelessness. Survivors would be considered to be in priority need.

In Wales local authorities have a duty to prevent homelessness, and private landlords must be registered. Survivors should be considered homeless even if they have the right to occupy a home, but cannot stay there because of abuse. There is provision to prevent homelessness when a joint tenant leaves, including evicting the abuser.

However in practice,

- **In Scotland**, time spent in temporary accommodation is longer for families with children. The 7 day limit for stays in B&B is in practice often breached, especially in Edinburgh¹⁸¹.
- **In England**, 'domestic abuse' alone is rarely considered to qualify someone as in priority need without additional 'vulnerability' (eg pregnancy, dependent children, mental illness). Women's Aid's *No Woman Turned Away Project* highlighted that councils are failing in their duty: of 97 women approaching their local authority, almost 54% were refused assistance with emergency accommodation; a quarter were told they were not in priority need; almost 12% were refused for having no local connection; over one in six had to provide proof of VAWG; one in ten were told they had made themselves intentionally homeless and almost 6% were told to return to the abuser¹⁸². The draft Domestic Abuse Bill adds new security of tenure protection for survivors; local authorities should grant existing lifetime tenants a new lifetime tenancy if they are a survivor¹⁸³.
- **In Wales**, whilst more people than before are being prevented from homelessness, the impact on people with protected characteristics or who are at risk (particularly those with mental health conditions) varied due to differences in service provision; few local authorities monitored equalities data so could not demonstrate that their services were equally accessible and available to all¹⁸⁴.

We now go on to consider the public sector equality duties across the UK and how these might affect women and VAWG survivors and social security policies.

Public sector equality duties and VAWG

The Equality Act 2010 protects people from discrimination, at work and in wider society across GB (Northern Ireland is discussed below). The Public Sector Equality Duty (PSED), contained in the Act, requires a public authority to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between those who have a characteristic protected under the Act and those who do not¹⁸⁵. The PSED is relevant to women because sex is a protected characteristic under the Act, and to VAWG survivors as they are predominantly women (VAWG is not a protected characteristic in its own right). Public authorities are covered by the Equality Act when providing services or exercising public functions¹⁸⁶. Decisions about social security policy or how they are implemented count as public functions, so covered by the PSED. The general equality duty requires public bodies to give ‘**due regard**’ to the aims of the equality duty in its decision-making, and to consider ways to mitigate or avoid any adverse impacts¹⁸⁷. ‘Due regard’ is procedural, not requiring a specific outcome, so a policy can be justified in its own terms (rather than as part of wider impact¹⁸⁸).

Equality Impact Assessments

One way in which public bodies can demonstrate that they have met their PSED obligations is through carrying out and publishing Equality Impact Assessments (EIAs). These can also help improve the quality of policy-making by enabling policy-makers to consider potential implications of their decisions.

The DWP has claimed that policies such as Universal Credit (UC) are gender-neutral, arguing that when women and men are in the same circumstances, they are treated equally under UC¹⁸⁹. This ignores the fact that a neutral rule can be discriminatory if having disproportionate impacts, perpetuating gender disadvantages¹⁹⁰. Policy affects men and women differently in practice, and, as discussed in section 2, social security changes particularly affect women. Previous EIAs have been limited¹⁹¹ and, according to the Equality and Human Rights Commission, the published EIAs do not indicate that sufficient regard has been paid to the PSED¹⁹². Concerns about the lack of official gender analysis¹⁹³ were also raised by the UN Committee on the Elimination of Discrimination Against Women (CEDAW)¹⁹⁴.

As well as estimating the numbers of men and women affected by a policy, and amounts lost or gained, gender analysis should also examine the make-up and labelling of any transfer of resources between women and men, and their impact on gender roles and relationships; the impact on the degree of financial security and autonomy enjoyed by women and men, on their caring responsibilities; and on inequalities within and outside the household, at the point of any change and over the life course¹⁹⁵.

Northern Ireland public sector duty and equality assessments

Northern Ireland has its own equality laws; and has been criticised by the Equality Commission for Northern Ireland, women’s groups and the UN CEDAW committee for the gaps in protections for women (compared to the rest of the UK) and its gender-neutral approach¹⁹⁶. A ten-year Gender Equality Strategy was developed in 2006 but has not been reviewed since 2013. There is no evidence of its impact on policy, with little investment in the capacity of officials to develop understanding of substantive equality and

gender mainstreaming¹⁹⁷. The 2016 'Programme for Government' did not highlight gender, raising concerns that policy-making is gender-neutral. For example:

- Northern Ireland is the only UK country without a childcare strategy or publicly funded childcare (only childminders or privately-run nursery provision). There is no statutory duty on local authorities to ensure adequate childcare, so there are limited places and costs are high. Thus parents in Northern Ireland have less support than those in the rest of the UK to respond to benefit conditions, to return to work or to avoid the Benefit Cap.

The Northern Ireland Public Sector duty differs from GB's, and is not gendered. Under Section 75 of the Northern Ireland Act 1998, public bodies have a duty to have due regard to the need to promote equality of opportunity between people of different beliefs /opinions/racial groups /ages /marital status/sexual orientation; men and women generally; people with and without a disability; people with and without dependants. Public bodies listed under section 75 include HMRC and the Northern Ireland Office but not DWP. Discrimination in the exercise of a public function is not covered.

In Northern Ireland public bodies should also screen their policies to identify whether they have an impact on equality of opportunity. If the public body's impact assessment shows a possible 'adverse impact' on any group, it must consider how to reduce this and how alternatives might lessen such adverse impact. Whilst there is some good screening practice, some screening exercises are not meaningful and the number of EIAs conducted by public authorities is low¹⁹⁸. For example, there seems to be no evidence that the two-child limit policy was screened for equality implications¹⁹⁹, despite its particularly negative impact on women in Northern Ireland (described in section 4 above).

Recommendations:

- ***Undertake Equality Impact Assessments when policies are being designed or revised, and publish these assessments. These should include gender analysis; specific impacts on VAWG survivors and whether policy options reduce the scope for abuse and enable survivors to access support when they need it; and the impact of policies across all four nations of the UK.***

The DWP could also be more transparent and accountable (to Parliament and users), such as an independent regulator, similar to Ofsted or an Ombudswoman, with service standards for benefit delivery²⁰⁰. The WBG workshop demonstrated the value of bringing together diverse expertise across the four nations of the UK. There is a knowledge gap since the abolition of the Women's National Commission, which had for decades acted as a single forum advising the UK Government on women's issues and facilitating information-sharing.

Recommendations:

- ***Set up an interdepartmental Ministerial and officials groups to consider VAWG and social security***
- ***Set up a Cabinet sub-committee on women and equality.***
- ***Establish a national advisory group comprising representatives from all four nations of the UK and including expertise in gender, social security and VAWG to advise Westminster and devolved governments about gendering their policies.***

Conclusions

As this report shows, the social security system is failing to support survivors to get help when they need it most - leaving the abuser when they choose, support when fleeing and when in a new home.

Survivors of Violence Against Women and Girls (VAWG) can have different experiences of social security depending on where they live in the UK because of the different contexts in each of the four countries. Women in Northern Ireland are among the most disadvantaged as their rights and protections are lower than in the rest of the UK, and Northern-Ireland specific laws criminalise what is legal elsewhere in the UK. This is the context in which social security rules such as the two-child limit, the Benefit Cap, the Universal Credit (UC) single payment and work-related conditionality is applied, particularly affecting VAWG survivors in Northern Ireland.

Gender-neutral approaches as in Northern Ireland and the DWP fail to recognise differences in women and men's situations and needs, so are less effective in supporting women and survivors across the life-course and at times of need (often creating knock-on costs elsewhere, as calculated by the Home Office²⁰¹). Benefit exemptions (such as split payments and the 'rape clause') place the onus on survivors to disclose and prove abuse. But poorly-conceived policies do not become more acceptable or workable through adding exemptions for particular groups and devolving discretion.

Certain aspects of social security also increase vulnerability to VAWG. Chief among these is the single payment of UC, creating an environment in which one partner can exert more power and control over the other, to a greater extent than under previous benefits/tax credits²⁰² - in effect, 'setting the scene for abuse'²⁰³, and inconsistent with the draft Domestic Abuse Bill.

Social security cuts and changes over the past decade have disadvantaged women, reinforcing economic inequality. As noted in sections 2 and 3, this is linked to increased vulnerability to VAWG, keeping women dependent, making it difficult to leave an abusive partner, and is one reason why many women return²⁰⁴. Hence the pursuit of economic equality, and social security which meets survivors' needs, can help to reduce the scope for VAWG. Whilst abusers are responsible for their actions, Government must ensure that social security promotes equality and narrows the space for abusers to exploit. As the House of Commons Work and Pensions Select Committee has stated, Government has '*a moral duty to ensure the benefit system does not in any way facilitate abuse*'²⁰⁵.

Policy can do two things;

- it can signal that VAWG and inequality are not acceptable; and
- it can also design policies and processes that make this more difficult to happen.

Social security should be re-designed with women and children at its heart, and to support economic and gender equality. As discussed in section 2, an independent income for women is important for equality and for VAWG survivors, and can best be achieved through earnings and non-means-tested benefits. Whilst supporting separate payments of UC to each partner as a short term goal, wider and longer-term reform is needed. Tweaks to UC may not result in substantial improvements for women due to its gender-neutral foundation and the innate flaws of an integrated means-tested benefit.

Instead the aim should be to move towards a social security system which:

- **Reduces the scope for means-testing** – for example direct provision of childcare rather than payments to individuals, and reforming housing payments;
- **Enhances and promotes benefits based on individual entitlement** – for example, national insurance benefits, Child Benefit, and potentially basic income or partial basic income schemes;
- **Supports women and survivors to increase their incomes through getting and staying in paid work, building on paid leave and employment-related benefits** such as Maternity Allowance and provisions for maternity/paternity and parental leave. Paid parental leave may help reduce the risk of VAWG through reducing financial stress and encouraging more egalitarian parenting practice²⁰⁶.

Recommendations:

- *Review the gender impact of social security with a view to re-designing social security to promote economic equality between men and women, aiming for independent incomes for both sexes.*
- *Reduce reliance on means-tested benefits through direct provision of services such as childcare, improve non-means-tested benefits, and support opportunities for women to access paid work and employment-related benefits.*

Principles for social security change

Workshop participants discussed basic principles for assessing options for changing the current system:

Principles to inform benefit changes:

<i>Social security should be</i>	<i>This means</i>
Rights-based	Compliance with equality and human rights requirements (inc. international treaties) Basing policy options on equality of outcome Supporting women’s financial autonomy Supporting all adults to have access to an independent income Meeting standards of support across all countries of the UK Ensuring that claimants are treated with dignity
Needs-based	Meeting individual need Ensuring a decent standard of living for all Being adequate to meet needs and resourced to do so Preventing avoidable harms ²⁰⁷ Promoting empowerment and inclusion Narrowing the scope for economic abuse Enabling survivors to leave an abuser and rebuild their lives free from abuse
Accessible	Being simple and easy to access and operate Ensuring easy-to-understand information in different formats and languages

	<p>Allowing for reasonable adjustments and flexibility to meet individuals' needs</p> <p>Enabling individuals to access advice/advocacy across all aspects of their claims</p>
<p>Designed through a process that delivers high-quality decisions</p>	<p>Conducting and revising regular equality and human rights impact assessments</p> <p>Involving civil society organisations and users in design and implementation</p> <p>Using/developing evidence from lived experiences as well as quantitative data</p>

Social security should be part of a wider support infrastructure for VAWG survivors, rather than making a journey away from abuse more difficult.

Annex 1: summary of UK devolution arrangements

Wales:

- The National Assembly for Wales was established in 1999 as the elected body and consists of 60 Assembly Members (AMs). The Government of Wales Act 1998 established the National Assembly as a corporate body – with the executive (the government) and the legislature (the Assembly) operating as one²⁰⁸). In 2002 the term ‘Welsh Assembly Government’ was used to describe the policies and actions of the Cabinet as distinct from the work of the National Assembly, which had greater independence to provide advice, research and support to individual Members and committees of the Assembly.
- Before 2018, devolution was based on a ‘conferred powers’ model, i.e. that Assembly legislation had to relate to a subject listed in the legislation (devolved subjects were listed under 21 headings and included health, education and housing). This was reversed under the Wales Act 2017, which introduced a ‘reserved powers’ model of devolution, similar to Scotland, so the Assembly can pass legislation provided it does not relate to a matter which is reserved to Westminster (like social security or immigration). When the UK Parliament wishes to legislate on a matter which has already been devolved to the Welsh Assembly, convention requires it to receive the Assembly’s consent before it can pass legislation, through a Legislative Consent Motion. Wales shares a legal system with England.

Scotland:

- The Scottish Parliament and Scottish Government were established in 1999. The Parliament consists of all 129 politicians (Members of the Scottish Parliament – MSPs). The Scottish Government run the devolved powers of the country and Ministers are usually from the party with the most Parliamentary seats. Policy areas such as housing, health, education were devolved to Scotland in 1999. More powers including the setting of income tax rates and thresholds and some social security benefits were devolved following the Smith Commission recommendations, set up after the independence referendum²⁰⁹. When the UK Parliament wishes to legislate on a matter which has already been devolved to the Scottish Parliament, convention requires it to receive the latter’s consent before it can pass this legislation, through a Legislative Consent Motion. Scotland has its own distinct legal system.

Northern Ireland:

- The Northern Ireland Assembly was set up under the Good Friday Agreement (GFA) in 1998 which aimed to end decades of conflict in Northern Ireland. The Assembly consists of elected politicians, there being 90 Members of the Legislative Assembly (MLAs). The Northern Ireland Executive is the Government, made up of Ministers, chosen by their parties, and which allocates seats on the Executive based on the number of seats parties win in the Assembly elections (so the more seats that a party has, the more Ministers it can appoint). The Assembly has authority to legislate over "transferred matters" - these matters are not explicitly given in the Northern Ireland Act 1998, but include any competence not explicitly retained by the UK Parliament, such as justice, the economy. When the UK Parliament wishes to legislate on a matter which has already been devolved to the Northern Ireland Assembly, convention requires it to receive the Assembly’s consent before it can pass this legislation, through a Legislative Consent Motion. Northern Ireland has its own distinct legal system.
- The Northern Ireland Assembly and Executive have not been sitting since 2017 (as a result of disagreements concerning an energy scheme between the governing parties, the Democratic Unionist

Party and Sinn Fein²¹⁰). All-Party Parliamentary Groups and services are still running, but there are no ministers and no budget. Westminster legislation passed in October 2018 clarified that officials can perform public functions where this is in the public interest; and the Secretary of State can issue guidance to Northern Ireland departments about their functions²¹¹. The absence of government in Northern Ireland means that policy development is frozen in time, and much-needed reforms stalled. Previously, organisations in the voluntary and community sector would have had access to Select Committees, and would have lobbied local politicians to make specific policy changes.

Annex 2: summary of social security changes and cuts since 2010

A 4-year **benefit freeze** for some working age benefits, including Child Benefit (disability payments exempt).

Introducing the household **Benefit Cap** for claimants out of work. Housing Benefit claimants working enough hours to claim Working Tax Credit (eg 16 hours for single parents) are exempt from the Benefit Cap, as are UC claimants earning an amount equivalent to 16 hours per week at the national minimum wage. Income ignored in calculating the cap includes Disability Living Allowance, Carers Allowance, Working Tax Credit.

Introducing an **overall welfare cap**, limiting the amount that Government can spend on certain social security benefits and tax credits (excludes pensions and Jobseekers' Allowance, but includes tax credits, child benefit and disability benefit). 55% of welfare spending was included in the cap in 2016/17²¹².

Freezing and introducing a **high-income charge on Child Benefit** where the claimant or their partner's income is £50,000 or over (1% of the full Child Benefit award for each £100 of income between £50,000 and £60,000; over £100,000 the charge is 100% of the Child Benefit).

Reducing **Housing Benefit / Universal Credit housing element** entitlements; the **bedroom tax** – a deduction for working age claimants living in rented housing in property deemed to be larger than their family size warrants (two children under 16 of the same sex are expected to share one bedroom, as are two children under 10, regardless of sex). The maximum rent that can be covered is reduced by: 14% for 1 spare bedroom or 25% for 2 or more spare bedrooms. Restricting the amount that counts as rent in the private rented sector by freezing and changing the calculation of **Local Housing Allowance**; Raising the age limit for the **Shared Room Rent** to 35 for single people, irrespective of whether they are actually sharing, with some exceptions (e.g. care leavers)²¹³.

Increasing **non-dependant deductions. Discretionary Housing Payments** (DHPs) to mitigate changes.

Replacing Support for Mortgage Interest with **Loans** (direct to the lender, repayable with interest at 1.5%).

Restricting **child payments** in Child Tax Credit and Universal Credit such as a **two-child limit** (exemptions eg for multiple births, non-consensual sex); ending the family element for new claims.

Time-limiting contributory **Employment and Support Allowance**, abolishing Work-Related Activity Component.

Changing the criteria and assessment for Disability Living Allowance through introducing **Personal Independent Payment**, intended to reduce spending by 20% relative to DLA²¹⁴;

Replacing Council Tax Benefit with **Council Tax Reduction schemes**, saving 10% (except for pensioners);

Replacing Community Care Grants (to help people leaving care settle into the community) and Crisis Loans (for immediate needs, such as food and fuel) with **Local Welfare Assistance** schemes run by the local authority; after 2015/16 the DWP funding became part of the general Revenue Support Grant, which is not ring-fenced²¹⁵.

Introducing **Universal Credit**; involving online claims; more rigorous work-related conditionality, everyone has to sign a claimant commitment. Someone is at risk of sanction if not complying with work-related requirements without good reason. Conditionality has also been extended to those in work. Deciding if someone is looking for work or working enough hours is at the discretion of the DWP Work Coach. Jointly-claimed but with a single payment to a couple, ignores evidence about sharing of resources within a household and the potential for increased financial abuse. UC is paid monthly in arrears to the claimant; it can take up to five weeks from making a claim to getting paid. A claimant can ask for an Advance if they are in financial need and can't manage until their first monthly payment, to be repaid within 12 months from the first Universal Credit payment. The whole month approach to assessment, so whatever circumstances apply on the last day of the assessment period count when it comes to calculating awards, regardless of whether those circumstances have changed during the preceding month²¹⁶. Changes to the benefit structure mean that some groups of people have lower entitlement under UC than under former benefits, such as disabled people²¹⁷. Where one of a couple is over state pension age, couples must claim UC until the younger partner reaches State Pension age.

Annex 3: outline of differences in social security across the UK

Social security cuts and changes prompted responses from devolved governments. The 2011 Welfare Reform Bill generated concerns within the Scottish Parliament and Northern Ireland Assembly; the former refused to pass a Legislative Consent Motion to enable its passage in Scotland²¹⁸. Following the independence referendum, devolution of some social security benefits to Scotland was set in train in 2016. In Northern Ireland, a Bill to enact welfare reform was introduced in October 2012; but there were political disagreements, and this did not pass. Eventually under the 2015 Fresh Start Agreement the Assembly allowed Westminster to legislate; in return Westminster enabled the introduction of a package to mitigate reforms until 2020²¹⁹.

‘Localisation’

The UK government social security cuts and changes since 2010 included benefits ‘localisation’, which passed responsibilities down to Scotland, Wales and Northern Ireland as well as local authorities. This includes replacements for the former discretionary social fund:

- In England, **local welfare assistance** schemes vary and are more likely to offer vouchers rather than cash²²⁰.
- In Wales, a **Discretionary Assistance Fund (DAF)** was set up to give grants in emergencies or to help people live independently in the community (including ‘domestic abuse’), administered under contract to the Welsh Government. It could have greater publicity.
- The **Scottish Welfare Fund (SWF)** gives crisis grants for living expenses in emergencies and community care grants to set up/stay in a settled home. The SWF is administered by local authorities, under Scottish Government guidance²²¹.
- In Northern Ireland a **Discretionary Support Scheme (DSS)** offers interest-free loans and grants in a crisis if certain conditions apply (e.g. extreme/exceptional circumstances, and a limit on the number of grants / loans that can be claimed in a given period). It is only available by phone. (Other loans and emergency payments under the former discretionary social fund exist separately e.g. funeral and maternity grants, budgeting loans). Applications to the DSS have declined, linked to increasingly stringent criteria²²².

Mitigating social security cuts and changes

Devolved governments have also taken measures to mitigate the impact of UK-wide social security policies such as the Benefit Cap and Bedroom Tax.

Part localisation and part mitigation, Discretionary Housing Payments (DHPs) are administered by local authorities to cover potential shortfalls between rent and benefit entitlement. There are some differences in England, Scotland and Wales:

- DWP DHP guidance covers both England and Wales.
- In Wales DHPs are run by local authorities, but the Welsh Government has supplemented local authority funding to help pay for these.
- In Scotland, DHPs are now devolved (so without DWP funding, fully supported by the Scottish Government).

That mitigations exist indicates flaws in the original policy design which significantly affect many claimants. 'Welfare reforms' have been described as a 'cut-and-devolve' approach involving discretionary mitigations with limited funding, deflecting political attention away from those affected by policy decisions²²³.

Wales:

A higher proportion of the population is economically inactive compared to the UK average, so disability benefit changes can disproportionately affect Wales²²⁴. By August 2018, a higher proportion of households in Wales had their HB capped than across GB as a whole²²⁵. Nearly half of all Welsh households are expected to be worse off once all 'reforms' have been implemented²²⁶. DWP Wales has partnered Oxfam Cymru to develop training for DWP staff in Wales to develop a holistic, asset-based approach to understanding claimant needs²²⁷.

- Other mitigation includes funding for advice services and investment in house-building of one- and two-bedroom homes (as an alternative to completely offsetting the Bedroom Tax via DHPs, as in Scotland).
- There is no other social security devolution in Wales but Ministers are considering whether to ask for the same UC payment flexibilities as available in Scotland, and an Assembly committee inquiry is being held²²⁸.

Scotland:

The impact of changes in Scotland was predicted to fall unevenly on certain localities (especially Glasgow) and some groups, such as children, disabled claimants and half of in-work households²²⁹. The biggest financial impact was estimated to come from Tax Credits changes, with estimated losses of £350m per year²³⁰. Rents are lower in Scotland than in England, making Housing Benefit reforms less severe²³¹. Changes reduced annual spending in Scotland by £3.9 billion by 2020/21²³². The combined impact of tax and benefit reforms since 2010 has hit the poorest households in Scotland the hardest, according to the EHRC²³³.

- 11 benefits were devolved following the 2016 Scotland Act. The Scottish Government aims to create a benefits system based on dignity, fairness and respect; design and delivery is informed by user 'experience panels'. Devolved responsibilities include disability and carer benefits; maternity and funeral grants; the power to top up reserved benefits and introduce new benefits in devolved areas; and some power over UC payment flexibilities (such as direct payments to landlords and more frequent payments); the Scottish Government is also committed to making separate payments of UC to each member of a couple.
- In mitigating welfare reforms, the Scottish Government has chosen not to pass on the 10% cut in the value of council tax relief, and to mitigate the Bedroom Tax in full (via DHPs). Mitigation also includes Crisis Grants delivered through the SWF, and funding for advice services for people affected by welfare reform. In 2018/19, an estimated £125 million will be spent.

Northern Ireland:

Given the shortage of smaller properties, around 60% of working age tenants were expected to be affected by the Bedroom Tax²³⁴. The labour market is weak, many women are in precarious or low paid jobs, and childcare provision limited²³⁵.

- Welfare reform **mitigation payments** are aimed at claimants whose benefit would be reduced or ended due to the Benefit Cap, time-limiting contributory Employment and Support Allowance, Personal Independence Payment, Bedroom Tax.
- **UC payment flexibilities** are included in mitigation measures; direct payment to landlords; twice monthly payments; choice of paying UC into both partners, or into one bank account. Grants can be made from the UC Contingency Fund during the 5-week wait, though the claimant must first apply and be in receipt of an advance. Take-up has been low, even given the delayed start of UC roll-out in Northern Ireland (2017).
- **‘Welfare reform’ mitigations**, including funding for additional advice services, were agreed for a four-year period ending 31 March 2020. However there is concern about what happens after this, especially as take-up of mitigation payments is below estimates. The mitigations package is currently underspent, and some claimants have reported limited awareness that mitigations existed, nor that they were running out.
- People in Northern Ireland pay **rates not council tax**, with rebates available to those on UC.

Generalist advice provision

Scotland, Wales and Northern Ireland mitigations include additional funding for advice services (this does not apply in England (which has no devolved body) though English advice services can be funded through other sources. Until 31 March 2019, ‘Universal Support’, consisting of digital help to make or manage a claim online, and Personal Budgeting Support to manage monthly payments, was funded by the DWP and commissioned by local authorities²³⁶. From April 2019, Universal Support was replaced by ‘Help to Claim’, delivered by Citizens Advice Scotland and Citizens Advice (England and Wales)²³⁷, but only available until the first full correct UC payment is in place, and does not include budgeting support or debt advice²³⁸. ‘Help to Claim’ is not available in Northern Ireland.

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