

Benefits or barriers?

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

This is a summary of a report from the Women's Budget Group, Surviving Economic Abuse and the End Violence Against Women coalition, supported by the Equality and Human Rights Commission and the Universities of Bristol and Strathclyde. It is available at: wbg.org.uk/analysis/benefits-or-barriers

Summary

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.

Survivors may feel trapped by systems that are supposed to support them⁷.

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!

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 in the rest of 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 that abuse exists 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 pay⁸. Women are also more likely than men to receive certain benefits, often related to caring roles⁹. In addition, women can be ‘shock absorbers’ of family poverty, often responsible for managing household budgets¹⁰.

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 other families with children¹¹. Specialist services for women have been cut, as have other services on which they rely such as advice and legal services¹².

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*

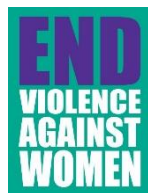
In the longer-term:

The Government should

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

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June 2019

Notes

¹ Women's Aid, 2017, Women's Aid responds to the Department for Work and Pensions' 'Benefit Cap: Number of Households capped to May 2017' report, <https://www.womensaid.org.uk/womens-aid-calls-government-scrap-damaging-benefit-cap/>

² Marilyn Howard and Amy Skipp, 2015, *Unequal, trapped & controlled: Women's experience of financial abuse and potential implications for Universal Credit*, Women's Aid and TUC <https://www.womensaid.org.uk/financial-abuse-report/>; Women's Aid, 2019, *The Domestic Abuse Report 2019: The Annual Audit*, <https://www.womensaid.org.uk/research-and-publications/the-domestic-abuse-report/>

³ Marilyn Howard and Amy Skipp, 2015, *Unequal, trapped & controlled: Women's experience of financial abuse and potential implications for Universal Credit*, Women's Aid and TUC <https://www.womensaid.org.uk/financial-abuse-report/>

⁴ Liz Kelly, Nicola Sharp and Renate Klein, 2014, *Finding the Costs of Freedom How women and children rebuild their lives after domestic violence*, Solace Women's Aid, https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/Costs_of_Freedom_Report_-_SWA.pdf

⁵ Mary-Ann Stephenson, 2014, *The impact of benefit sanctions on people in Coventry*, Warwick Law School Centre for Human Rights in Practice <http://bit.ly/2qnMvyd>

⁶ Surviving Economic Abuse, 2018, *Transforming the response to domestic abuse: response to the Government consultation*, https://survivingeconomicabuse.org/wp-content/uploads/2019/01/Bill-doc_May-2018.pdf

⁷ Surviving Economic Abuse, 2018, *'Economic abuse is your past, present and future': A report on the practical barriers women face in rebuilding their lives after domestic violence*, http://survivingeconomicabuse.org/wp-content/uploads/2018/10/SEA-Roundtable-Report_FINAL-1.pdf

⁸ Engender, 2016, *Securing Women's Futures: using Scotland's new Social Security Powers to close the Gender Equality Gap*, <https://www.engender.org.uk/content/gendermattersinsocialsecurity/>

⁹ Sara Reis, 2018, *The Female Face of Poverty*, WBG <https://wbg.org.uk/wp-content/uploads/2018/09/wbg-women-and-childrens-poverty-march-2005.pdf>

¹⁰ Vishal Sharma (ed), 2005, *Women's and children's poverty: making the links*, WBG <https://wbg.org.uk/wp-content/uploads/2018/09/wbg-women-and-childrens-poverty-march-2005.pdf>

¹¹ Helen Bernard, 2019, *End the benefit freeze to stop people being swept into poverty*, JRF <https://www.jrf.org.uk/report/end-benefit-freeze-stop-people-being-swept-poverty>

¹² Sara Reis, 2018, *Life-Changing & Life-Saving: Funding for the women's sector*, WBG, <https://wbg.org.uk/analysis/life-changing-life-saving-funding-for-the-womens-sector-2/>; Heather Wakefield, 2019, *Triple Whammy: the impact of local government cuts on women*, WBG <https://wbg.org.uk/analysis/reports/triple-whammy-the-impact-of-local-government-cuts-on-women/>