



**Commission on Social Security
Response to consultation on welfare benefits system
July 2019**

Introduction

Surviving Economic Abuse (SEA) is the only charity in the UK dedicated to raising awareness of economic abuse and transforming responses to it. All our work is informed by Experts by Experience - a group of women who speak about what they have gone through so that they can be a force for change. Our response to this consultation focuses specifically on our area of expertise, economic abuse as a form of coercive and controlling behaviour.

Answers to questions

1 Universal Credit

What steps can be taken to make Universal Credit better?

The UK's social security system sometimes fails to support survivors of domestic, including economic, abuse, and, in some circumstances inadvertently facilitates economic abuse. As such, there are steps that can be taken to improve the system, ensuring it supports survivors' economic independence and autonomy.

Not only are women more likely to be the recipients of social security than men, but women have also borne the brunt of austerity, which has reduced the benefits and services that women use and work in.¹ Under the new system, Black and Minority Ethnic

¹ Wakefield, Heather. (2019) *Triple Whammy: the impact of local government cuts on women*, The Women's Budget Group. Published online at: <https://wbg.org.uk/analysis/reports/triple-whammy-the-impact-of-local-government-cuts-on-women/>

(BME) women,² disabled women,³ households with large families and single parents are particularly badly hit.⁴ More intensive conditionality, mandatory work-related requirements, single payments to a household, the two-child limit and the overall benefit cap disproportionately impact women economically. The ways in which Universal Credit can be made better for women, and in particular those experiencing domestic and economic abuse, are outlined below.

Firstly, separate payments of Universal Credit should be provided as a default for joint claimants. The single monthly payment into one nominated account can lead to situations in which an individual denies their partner access to their own income. so that they do not have access to the resources they need to leave. Research shows that women are three and a half times more likely to be subject to domestic abuse if they find it impossible to find £100 at short notice.⁵ Recognising some of our concerns surrounding the single payment, the DWP recently announced a proposal that single payments should be paid into the primary carer's bank account, However SEA does not agree with this work-around since it perpetuates gendered roles within families and is inconsistent with government policies which promote shared parenting.

The current system is based on the assumption that couples make financial decisions together and that resources (and debts) are shared. By denying an independent income to both parties the system is regressive in that it encourages financial dependence, and reinforces the traditional 'male breadwinner' model. Indeed, the Equality and Human Rights Commission (EHRC) describes the single payment design as 'potentially worrying for gender equality'.⁶

As SEA outlined in oral evidence to the Work and Pensions Committee,⁷ the joining together of a couple's Universal Credit claim also creates situations in which the

² WBG/Runnymede Trust. (2017) *Intersecting Inequalities: the impact of austerity on Black and Minority Ethnic women in the UK*. Available online at: <https://wbg.org.uk/analysis/intersecting-inequalities/>

³ WBG. (2018) *Disabled Women and Austerity*, WBG pre budget briefing series. Available online at: <https://wbg.org.uk/analysis/2018-wbg-briefing-disabled-women-and-austerity/>

⁴ Portes, Jonathan and Reed, Howard. (2018) *The cumulative impact of tax and welfare reforms*, EHRC. Available online at: <https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms>

⁵ Walby, S. and Allen, J (2004) *Domestic Violence, Sexual Assault and Stalking: Findings from the British Crime Survey*. London: Home Office Research Study 276.

⁶ Griffiths, Rita. (2018) *Universal Credit, Women and Gender Equality: A Retrograde Step?* Bath: Bath University. Available online at: <https://blogs.bath.ac.uk/iprblog/2018/09/19/universal-credit-women-and-gender-equality-a-retrograde-step/>

⁷ Surviving Economic Abuse. (2018) *Oral evidence to the Department of Work and Pensions*. Available online at:

behaviour of a perpetrator impacts negatively on their partner, undermining their economic stability. For example, if the perpetrator controls the money and rent is not paid, this can leave the victim in debt in situations where there is joint liability. This creates economic instability going forward, and barriers to accessing safe housing. At the same time, the payment of Universal Credit into one bank account undermines efforts to build financial capability. It does not encourage all individuals to have their own bank account or manage their own money.

Further, the proposed 'split' payment solution is not safe for victim-survivors of economic abuse. However sensitively and carefully a request for a split payment might be handled, actively challenging the control exerted by the abuser is dangerous. Research shows that, when women experience economic abuse within a context of coercive control, then they are at increased risk of domestic homicide.⁸ Therefore, challenging an abuser by requesting split payments can pose a genuine safety risk to victim-survivors.

The five-week wait for Universal Credit payments must be ended. Waiting times associated with Universal Credit increase the risk of hardship, particularly for women who have had to flee abuse with nothing. Women who experience economic abuse rely on access to benefits as a safety net when leaving an abusive partner - knowing that there is a wait may put them off taking this step. This is another reason why separate payments are necessary: access to independent income is vital to economic independence and stability. Economic hardship is the primary reason why women return to an abusive partner. Further, if a survivor has left the abuser, not only will they have to set up a new claim in their own name but they may have to set up a bank account in order to receive benefits. This can lead to further delay in accessing income, especially if they have had to flee without identification documents, or if the abuser has destroyed or withheld such documents. Paying joint claims into separate bank accounts would go some way to mitigate this.

Whilst advances can be made under Universal Credit, they must be paid back over a 12-month period. Further, these loans, known as budgeting advances result in reduced Universal Credit payments until the recipient has paid off the amount borrowed. This negatively impacts those with already limited resources (in a survey of survivors who had left the abuser, more than two in five women were in debt as a result of the economic abuse they had experienced during the relationship.⁹) Survivors of abuse used

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/work-and-pensions-committee/universal-credit-rollout/oral/81812.html>

⁸ Websdale, N. (1999) *Understanding Domestic Homicide*, California: Northeastern University Press.

⁹ Women's Aid. (2019) *The Domestic Abuse Report 2019: The Economics of Abuse*. Bristol: Women's Aid.

to be able to access crisis loans and community care grants, but access to these is variable now that welfare provision within Local Authority Revenue Support Grants is not ring-fenced. SEA is concerned that both waiting times and payback of advances under Universal Credit are putting women in situations where they may have no choice but to return to the abuser or take out payday loans. They may also be at risk of physical harm and sexual exploitation from individuals they owe money to. As such SEA supports the recommendation made by the parliamentary Joint Committee which scrutinized the draft Domestic Abuse Bill; that advance payments in case of financial hardship be converted into grants that are not repayable.¹⁰ As noted above, the five-week wait for Universal Credit payments is far too long and poses a real risk to all recipients; this is why SEA has joined The Trussell Trust's 'Five Weeks Too Long' campaign, calling for it to be removed.

Do you think the Government should get rid of Universal Credit? If so, what could they replace it with?

SEA does not believe that the Government should undertake a further costly re-design of Universal Credit. However, when viewed through the lens of economic abuse urgent changes to the system of Universal Credit are needed. It is paramount that any system of social security does not facilitate economic abuse and supports all survivors of abuse. As such, there should be a duty on Government to consider the impact of any reforms to the welfare system on survivors of domestic abuse. The Domestic Abuse Bill recognises economic abuse within the statutory definition of domestic abuse yet the aims of the Bill cannot be fully realised if policy undermines this. The system should be considered within the context of the Bill and the national Violence Against Women and Girls (VAWG) strategy framework. Moreover, the VAWG sector must be consulted on any changes to the social security system, as reflected in the Women Budgets Group report 'Benefits or Barriers?'¹¹ which demonstrates the need for any social security measures to be scrutinized from a gender perspective. The manner in which women are disadvantaged by current provisions (also outlined in the body of this response) means that it is paramount that a gender lens is applied.

2 Sickness and Disability

How can the welfare benefits system better support people who are sick or disabled?

¹⁰ Parliamentary Joint Committee report on the draft Domestic Abuse Bill: <https://publications.parliament.uk/pa/jt201719/jtselect/jtddab/2075/207502.htm>

¹¹ The Women's Budget Group. (2019) Benefits or Barriers? *Making social security work for survivors of violence and abuse across the UK's four nations*. Available online at: <https://wbg.org.uk/wp-content/uploads/2019/06/Benefits-or-barriers-4-nations-report.pdf>

Women who have a long-term illness or disability are more than twice as likely to have experienced some form of partner abuse (12.4%) in the last 12 months than women who have not (5.1%).¹² This is because disability intersects with gender, increasing vulnerability to abuse. Perpetrators may also be carers and have the opportunity to control disability benefit payments and allowances as part of economic abuse.¹³ This may leave disabled women without the funds for prescriptions and other necessary items.

Women who are disabled may also face additional barriers to leaving an abuser as few refuges have places for them. A Freedom of Information request submitted by the BBC in 2018 revealed that just one in ten refuge places is accessible for people with physical disabilities, and twenty of the local authorities that responded to the request had no wheelchair accessible refuge spaces. This is despite the fact that women with long term illnesses or disabilities are more likely to experience domestic abuse.¹⁴

How should the system work out who should get sickness and disability benefits?

N/A

3 Minimum Income level

Should there be a certain amount of money that anyone can get if they are struggling and how could this be done?

Yes, one way in which this could be done is using the Minimum Income Standards - see answer to the next question.

4 Benefit Rates

How should benefit rates be worked out and how much should each benefit be?

The benefit cap and freeze on benefits should be removed. One method that could be explored for calculating benefit rates is using the Minimum Income Standards recommended in the research conducted by Loughborough University's Centre for Research in Social Policy (CRSP) funded (primarily) by the Joseph Rowntree Foundation.

¹² Office of National Statistics. (2017) *Domestic abuse: findings from the Crime Survey for England and Wales: year ending March 2017*.

¹³ Howard, M. and Skipp, A. (2015) *Unequal, Trapped and Controlled: Women's experience of financial abuse and potential implications for Universal Credit*. London: Women's Aid and Trade Union Congress.

¹⁴ BBC News (2018) *Why disabled women can't access refuge places*. Available online at: www.bbc.co.uk/news/uk/-46371441

5 Sanctions

What should be done about benefit sanctions?

We are concerned that benefit sanctions (which can result in benefits being stopped for between four and 78 weeks) and the Universal Credit ‘commitments’ that lay out responsibilities that must be adhered to, do not account for the complexities of domestic abuse.

For instance, it can be very difficult for survivors to stay in contact with JobCentre Plus and their work coach as a perpetrator may control or limit where they can go and/or seek to isolate them by denying access to economic resources such as a phone or transport. Research has also found that survivors may be sanctioned for not applying for jobs that would put them at risk, such as near the perpetrator’s home or workplace.¹⁵

Further, and linked to the joint payment of Universal Credit, SEA is concerned that when one member of a couple is sanctioned, up to 50 per cent Of the couple’s standard personal allowance is deducted. The joint nature of sanctions means that the perpetrator could intentionally behave in a manner so as to get sanctioned to further deplete economic resources.

It is important that decision-makers further recognise that perpetrators commonly make allegations of fraud against a partner in order to control them and further deplete their economic resources. Economic abuse may start or take different forms post-separation since it is a form of abuse that does not require physical proximity to perpetrate. Malicious allegations of fraud to the Department for Work and Pensions (DWP) can result in benefit payments being frozen whilst the allegation is investigated. This leaves women with no access to funds in the interim period.

Survivors need a safe channel of communication so they can update work coaches on their circumstances and manage their claim. Moreover, work coaches must be trained on economic abuse. It is also vital that, benefits should not be frozen whilst allegations of fraud (especially when made by a spouse or former spouse) are being investigated.

6 Other Welfare Benefits

¹⁵ Stephenson, Mary-Ann. (2014) *The impact of benefit sanctions on people in Coventry*, Warwick Law School Centre for Human Rights in Practice. Available online at: <http://bit.ly/2qnMvyd>

What ideas and suggestions do you have for changes to these or any other welfare benefits?

Child benefit

The two-child limit or ‘family cap’ must be removed as this policy exacerbates women and children’s poverty by reducing family income and further increases barriers to escaping an abusive partner. Moreover, the provision of social security for a third or subsequent child born following rape, forces women to disclose sexual violence at a time and in a context that is not of their choosing and is re-traumatising. In addition, the clause does not recognise women whose partners stop them from exercising their reproductive rights through taking away their autonomy with respect to birth control. Furthermore, women may be coerced into sex or forced into pregnancy by their abuser without realizing that this constitutes ‘non-consensual conception’ meaning they will not apply for the ‘non-consensual conception exemption’ (rape clause). It’s clear that the two-child limit compounds economic insecurity for women and their children, which is why SEA has signed up to the Child Poverty Action Group’s campaign to ‘scrap the cap’.

Housing costs

The lack of affordable housing in the UK is a concern. For survivors, moving to a new home may be difficult given the lack of affordable housing and reductions in benefits for housing. Access to housing can provide a secure pathway for women fleeing domestic abuse, and is an important economic resource for women seeking to rebuild their lives after domestic abuse. Survivors often lack the financial resources required to pay deposits for private rented accommodation. In addition, women who have experienced economic abuse face specific challenges linked to rent arrears and poor credit ratings, this is compounded by them having to navigate high fees, landlords refusing to accept housing benefit and struggling to find guarantors. Provision must be made for taking these circumstances into account. In addition, furnishing and getting basic items for a new home is challenging given cuts to local welfare schemes.

7 Other Aspects of the Benefit System

Are there any other changes you think should be made to the overall benefits system?

The No Recourse to Public Funds (NRPF) rule must be abolished for victims fleeing domestic abuse. This rule restricts access to benefits for those with insecure immigration status, leaving some of the most vulnerable women in society without access to any economic resources. Whilst the Destitution Domestic Violence Concession

(DDVC) provides support for women who are in the UK on a spousal or partner visa it excludes women who are in the UK on other types of visa (for example, student visas). Not only can the NRPF rule be used by an abuser to frighten survivors into staying with them, it also renders some survivors unable to access emergency refuge accommodation, placing their lives at risk. Given that housing benefit funds refuges, women with no access to such benefits (due to NRPF) are often turned away from refuges because the refuges cannot afford to support them.

SEA stated in its written evidence to the Joint Committee on the Domestic Abuse Bill that denying women with insecure immigration status access to economic resources, including welfare benefits and accommodation, is a form of state economic abuse and contrary to Article 4(3) of the Istanbul Convention. We were pleased to see this addressed in the Committee's recommendation that the Bill include an additional clause, placing a duty on public authorities dealing with a victim or alleged victim of domestic abuse, or making decisions of a strategic nature about how to exercise functions, to have due regard to the need to protect the rights of victims without discrimination on any of the grounds prohibited by Article 4(3).

Along with others, we recommended that the DDVC should be provided to all migrant women victim-survivors regardless of their immigration status, and that the period for which it is available should be extended to at least six months. The Joint Committee has recommended that the Government explores ways to extend the temporary concessions available under the DDVC to support migrant survivors of abuse. It further recommends that the Government consult on the most effective criteria to ensure such a measure reaches the victims it is designed to support and that it should extend the three-month time limit to six months for the DDVC. The 'expectation that those coming to the UK, either as individuals, or being sponsored, will be able to support themselves and any sponsored dependants without support from the public purse' does not recognise the reality of domestic abuse. SEA is more encouraged that the Government are considering the Committee's recommendations on the overall response to migrant victims of domestic abuse, based on the findings of a pilot project being undertaken by Southall Black Sisters.

Whilst SEA welcomes the introduction of domestic abuse points of contact in Job Centers alongside training for staff, this does not mitigate the need for independent, specialist advice and support being available

8 Financing Welfare Benefits

If any of your ideas would need more government spending, how might they make this happen?

There are compelling economic and moral arguments for more money to be invested in tackling domestic abuse. With the social and economic cost for victims of domestic abuse in England and Wales (year ending March 2017) being approximately £66 billion, significant cost savings could be made by addressing how current systems inadvertently facilitate abuse.¹⁶ Without such action, the intention of including economic abuse in the statutory definition of domestic abuse will not be realised.

9 Principles

We agree with all the principles outlined in the questionnaire.

How can the 5 principles be put into practice?

N/A

10 Other comments

Is there anything you would like to add?

No.

¹⁶ UK Home Office. (2019) *The economic and social costs of domestic abuse*. Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf