

# Welfare Reform & Domestic Abuse

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## Introduction

Access to financial assistance and support, through welfare benefits, is vital for women survivors of domestic abuse – particularly for those who are forced to flee their homes.

Most survivors experience economic abuse at some point during, or after, the relationship - which can leave women without access to money for housing, food and basic essentials and is a fundamental barrier to leaving an abuser. 52% of women still living with their abuser surveyed by Women's Aid in 2015 said they could not afford to leave because they had no money of their own.<sup>1</sup>

The government has made a real commitment to tackling domestic abuse and has delivered important exemptions to protect survivors living in refuge from welfare reforms to date. The proposed new domestic abuse bill will also include 'economic abuse' within the statutory definition of domestic abuse for the very first time. Women's Aid remains concerned, however, that a range of the government's welfare reform policies:

- Threaten the financial support survivors need in order to move-on from refuge and build a safe and independent future;
- Risk increasing the financial barriers women face in leaving an abusive relationship;
- And threaten to undermine the ambition of the landmark new domestic abuse bill.

### Survivors' Views

*"I couldn't rely on him for childcare nor could I rely on him financially. Without the welfare benefits I would have struggled hugely to feed, house and clothe myself and my child."*

Women's Aid is committed to work alongside government to ensure that the social security system does not have unintended consequences for survivors, and the services which support them. This briefing outlines Women's Aid's concerns and recommendations on a number of welfare policies. Our recommendations on universal credit are set out in another briefing.

## Key recommendations:

- DWP must recognise the financial barriers preventing survivors from leaving abusive relationships, and the significant constraints faced in securing childcare and well-paid employment after fleeing their homes. We urge the government not to appeal the recent High Court ruling on the **benefit cap**, and to exempt all survivors from the policy.
- Survivors living in refuges because they are fleeing domestic abuse must be exempt from the lower **benefit cap** in full – and not just the housing benefit element of the policy – to ensure they receive the protection intended. In the interim, those in refuge affected by the lower benefit cap must be prioritised for discretionary housing payments.

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<sup>1</sup> Howard, M and Skipp, A, Unequal, trapped and controlled, Women's Aid and TUC, 2015

- We urge the government to reverse the **two child tax credit limit**. The exemption on the grounds of rape and coercive control remains fundamentally unworkable and undermines principles enshrined in human rights legislation. Many survivors will never disclose this trauma for reasons including self-protection, shame, and fear for others - including their child.
- Women's Aid call for the government to clarify that women under 35 who are living in, and leaving, refuge are automatically fully exempt from the **Under 35's Shared Accommodation Rate**, to ensure they can secure safe and suitable move-on accommodation.
- DWP should establish a transitional period of exemption from the **under occupation deduction ('bedroom tax')** for survivors leaving refuge, or living in temporary accommodation, to ensure that suitable move-on accommodation can be secured.
- Given the range of welfare reform impacts set out within this briefing, Women's Aid calls for the new **domestic abuse bill to include a duty on government to assess welfare reforms for their impact on survivors**. Robust impact assessments of all welfare reform policies - focusing specifically on the ability of women to escape abusive relationships and rebuild their lives - are essential to ensure that the government's strong commitment to supporting survivors is not undermined.

### Women's Aid concern with welfare reform policy

This briefing covers Women's Aid's key concerns and recommendations with the following key areas of welfare policy:

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*Although many welfare reform policies have impacts across the United Kingdom, this briefing is specific to England only.*

## 1. The benefit cap

### Impact on survivors

- The 'benefit cap' - a limit on the total level of benefits<sup>2</sup> - that a household can receive - was introduced in 2013. In 2016, the limit was lowered to £23,000 in London (£15,410 for single people) and £20,000 (£13,400 for single people) in the rest of the country.
- The benefit cap is having a devastating impact on single women with children and, consequently, survivors. 73% of capped households are single-parent families, of which 75% had at least one child under the age of five years and 28% had a child under two years of age.<sup>3</sup> Around 90% of single parents are mothers.<sup>4</sup>
- There is no free childcare before two years of age, meaning that lone-parents with childcare responsibilities can often not work enough hours to avoid the impact of the cap. This issue is particularly acute where a woman has fled domestic abuse far from her support network, so is unable to rely on friends or family for childcare.
- The benefit cap not only risks exacerbating the barriers women face in leaving but is restricting some women's ability to 'move on' from refuge, as their benefits may no longer cover the costs of the accommodation they need to move to. This can lead to 'bed-blocking' - where women ready to leave a refuge are stuck in the service, blocking emergency beds that others desperately need.

### Legal challenge

- In 2017, the High Court ruled that the benefit cap unlawfully discriminates against the lone parents with children under two. The government appealed the ruling and a Supreme Court judgement is expected soon.
- Women's Aid provided an expert witness statement in this case as two of the claimants had fled domestic abuse and seen their benefits capped as a result. One survivor was inadvertently 'bed-blocking' in a refuge, as she was unable to afford any form of move-on accommodation, and another woman was living in overcrowded housing with five children and accruing debts and arrears.
- We are calling on the government to exempt survivors and all lone parents with children under two from the policy. In the interim, survivors must be given the utmost priority for discretionary housing payments (DHPs).

### In refuge

- DWP exempted refuges from the benefit cap in 2014. Since the lower cap came into force, however, this exemption is no longer always effective – as it only applies to the "housing benefit" element of the cap.
- If refuges are not exempt from the policy in full, then survivors whose total level of benefits exceed the cap limit have their benefits reduced.
- Given cap levels, and the types of benefits included within it, survivors with larger families are those particularly affected.
- The government state that because housing benefit is not included in the cap calculation, most women in refuges will not be impacted. Although the number of women affected will not be high, the evidence from our member services about the impacts of the cap has been concerning. In certain cases, women have been unable to afford living in the refuge due to the significant reduction in their entitlements, which is of urgent concern.

**Survivor, R (DS and Others) v Secretary of State for Work and Pensions**

*"I am a lone parent of five children (...) because of the break up of my marriage due to prolonged domestic abuse (...) my children and I are homeless (...) our current accommodation is statutorily overcrowded (...) we were rejected by a housing association for a new home because the benefit cap meant we could not afford the rent."*

<sup>2</sup> Benefits that count towards the cap include: Income Support, Jobseeker's Allowance, Income related Employment and Support Allowance, Incapacity Allowance, Maternity Allowance, Child Tax Credit, Child Benefit, and Housing Benefit.

<sup>3</sup> Department for Work and Pensions, [Benefit Cap Data](#) to August 2018.

<sup>4</sup> ONS, [Families and households, 2017](#). Table 1.

## Women's Aid Recommendations

- Claimants living in refuges should be exempt from the lower benefit cap in full – not just the housing benefit element of the policy – to ensure they receive the protection intended by the exemption in 2014.
- DWP must recognise the barriers stopping survivors from leaving abusive relationships, and the huge issues they face in securing employment and childcare. We urge the Government to exempt all survivors and lone parents with children under two from the cap.
- In the interim, survivors affected by the lower benefit cap must be given the utmost priority for DHPs.

## 2. Two child tax credit limit

- The “two child limit” on child tax credits means that tax credits cannot be claimed for a third or subsequent child if they were born after 6 April 2017.
- Women's Aid urges the government to reverse this policy, which will disproportionately impact women and their children. It is estimated that the two child tax credit limit will result in a 10% increase in child poverty by 2020.<sup>5</sup>
- 14.3% of women in refuges responding to our Annual Survey 2017 had more than two children with them.<sup>6</sup> This policy risks increasing financial barriers for women escaping abusers and creating stark choices between poverty and safety.
- The government have introduced a number of exemptions to the limit, including for children ‘conceived from non-consensual conception’ - either from rape or within context of coercive control. Domestic abuse services, as well health professionals and social workers, are third party organisations who can verify that a survivor is eligible for the exemption.
- A policy requiring to survivors to disclose and evidence domestic and sexual abuse in order to access a welfare benefit is inhumane and fundamentally unworkable. Many women will never disclose rape to anyone, for reasons including trauma, self-protection, shame, and fear for others - including their child. The exception raises serious concerns about the right to private life for mothers and children under Article 8 of the European Convention on Human Rights.<sup>7</sup>
- A woman is also required not be living with the alleged perpetrator in order to access the exemption, which demonstrates a lack of understanding about the nature of coercive control and the life-threatening risks facing women who leave. Data from the Femicide Census revealed that 77.4% of women killed by their ex-partner or ex-spouse in 2016 were killed within the first year that followed that separation.<sup>8</sup>
- Over 27 organisations - including the Royal College of Midwives and British Association of Social Workers - signed a [joint letter](#) coordinated by the Women's Aid federations in the UK, calling for the policy to be reversed.
- Women's Aid and Rape Crisis England and Wales have sought permission to intervene in the Child Poverty Action Group's legal challenge of this policy on the grounds of its impact on women who have conceived a child non-consensually, their rights to privacy, the inadequacy of the rape clause exemption and international human rights obligations.

### Case study

*A Women's Aid member service supported a woman called Sabrina\*, and her two young children, in their refuge. She had fled a perpetrator who had physically, emotionally and sexually abused her. Whilst in refuge she discovered she was pregnant and was devastated - as she didn't know how she would cope financially with a third child. She didn't want to disclose that her baby had been conceived by rape or coercion. She returned to the home she shared with her abusive partner.*

<sup>5</sup> [Child Poverty Action Group](#), 2018

<sup>6</sup> Women's Aid [Annual Survey](#) 2016 - from a sample of 131 domestic abuse refuge services.

<sup>7</sup> EHRC, [Letter to Minister of State for Employment](#), 21 April 2017

<sup>8</sup> Women's Aid, [The Femicide Census: 2016 Findings](#), 2017.

### Women's Aid Recommendation

**Women's Aid urges the government to reverse the two child tax credit limit, which is a serious human rights concern. This policy disproportionately impacts on women and children, will increase poverty, and risks increasing the significant financial barriers that women face in leaving an abusive relationship.**

### **3. Under 35's shared accommodation rate**

- The shared accommodation rate (SAR), introduced in 1996, originally limited the Housing Benefit that a single person under 25 could receive to the average rent level for a room in a shared house. In 2012, the former coalition government extended the SAR to cover single claimants up to the age of 35.
- Various tenants are excluded from the SAR – including people in supported accommodation, such as refuges. The government also exempts people who have spent three months or more in a “homeless hostel”, or hostel specialising in rehabilitating and resettling people in the community. The aim of the exemption is to ensure that suitable ‘move-on’ accommodation can be provided for these tenants.
- Women's Aid are receiving concerning reports that the exemption for women living in, or leaving, refuge is not automatically applied – resulting in women being charged the SRA, and unable to secure suitable move-on accommodation.
- The SRA rate is forcing women leaving refuge into unsuitable shared housing and temporary accommodation - where they may be required to share inappropriate and unsafe properties. Refuge staff are expending significant time and resources clarifying that women leaving refuge are exempt from the SRA.

### Women's Aid recommendation

**Women's Aid calls for the government to clarify that women under 35 who are living in, or leaving, refuge are automatically and fully exempt from the under 35's SAR to ensure they can secure suitable and safe move-on accommodation.**

### **4. Under-occupation deduction from housing benefit - the “Bedroom Tax”**

- Since April 2013 working age tenants in social housing who are in receipt of housing benefit have had their benefits reduced if they live in housing that is deemed “too large” for their needs.
- Claimants in refuge are exempt from the policy – but many women experiencing domestic abuse, and those who are moving on from refuge, continue to be impacted.
- Women's Aid has received evidence from our member services that the ‘bedroom tax’ is resulting in challenges in securing move-on accommodation. One refuge who secured move-on accommodation for a survivor - under time pressure from local authority specifications that state they can only house women for four months - received a note to state that she would lose £50 a week because of the under-occupation deduction.
- Such significant financial losses have a severe impact on the ability of women to secure permanent housing after fleeing abuse, can increase ‘bed-blocking’ in refuges and may result in many women choosing financial security over safety.

### Women's Aid recommendations

- **DWP should establish a transitional period of exemption from the under occupation deduction for women in refuge or in temporary accommodation, to ensure suitable move-on accommodation can be secured.**
- **The impact of the deduction on the housing barriers facing women wanting to leave abusive relationships must also be fully assessed.**

## 5. The domestic abuse bill

- Access to welfare benefits is vital to ensure women can access the financial support they need to escape and rebuild independent lives. A robust safety net that enables survivors to escape and rebuild independence is a lifeline, and it is crucial that the bill upholds and reinforces this for the future.
- The cumulative impacts of welfare reform policy are having serious consequences for survivors. The benefit cap, two child tax credit limit, under-occupation deduction, decreasing use of secure 'lifetime' tenancies, and a number of other changes to the tax and welfare system have disproportionate impacts on women, which is acutely felt by survivors
- A recent analysis found that tax and welfare reforms since 2010 have been regressive and has had severe impacts on those with protected characteristics, including those from black and minority ethnic (BME) communities and women. Across the whole income distribution, women lose around £400 per year compared with £30 for men.<sup>9</sup>
- Welfare reforms are restricting the resources women need to leave; we are receiving direct reports from our member services about the stark choices between poverty and safety that women are being forced to make as a result of welfare changes.
- We are concerned that these reforms risk undermining the government's intention to transform the response to domestic abuse - including economic forms of abuse - through the proposed new bill. Although the consultation on the bill stated the intention to '*identify practical issues that make it harder for a victim to escape*' and '*consider what can be done to help victims of economic abuse*', no mention of welfare reform policy was made.
- The range and severity of concerns with the current welfare reform agenda demonstrates that a new approach is needed. The government is having to retrospectively revise welfare policies because of unintended consequences, which is inefficient and time-consuming. It is vital that the impacts - and unintended consequences - of welfare reform policies on survivors' safety are robustly assessed before implementation in the future

### Women's Aid recommendation

**The domestic abuse bill establishes a duty on government to assess welfare reform policies for their impact on survivors, with specific focus on the ability of women to escape abusive relationships and rebuild their lives.**

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***If you have any questions or would like any more information please contact  
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<sup>9</sup> Jonathan Portes, Aubergine Analysis and King's College London, Howard Reed, Landman Economics (2018) *The cumulative impact of tax and welfare reforms*