

# 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 financial abuse at some point during, or after, the relationship - which is a major barrier to them leaving the relationship and can leave women without access to money for housing, food and basic essentials. Providing safe escape routes and support for survivors is critical; data from the Femicide Census revealed that 75.2% of women killed by men in 2016 were killed at their own home, or the home they shared with the perpetrator.<sup>1</sup>

The Conservative Government has made a real commitment to tackling domestic abuse and the Prime Minister has pledged to ensure that *"no stone will be left unturned"* in developing a Domestic Violence and Abuse (DVA) Bill that truly works for survivors. Recognising the detrimental impacts that a number of welfare reforms would have for survivors, and the services that support them, the Government has made some important concessions - including an exemption for refugees from the 1% social rent reduction and protecting survivors' access to lifetime tenancies.

Women's Aid remains concerned, however, that a range of other welfare reform policies:

- Risk undermining the Government's commitment to supporting survivors, and the landmark new DVA Bill;
- Threaten the financial support survivors need in order to move-on from refuge, and build a safe and independent future;
- And risk increasing the financial barriers women face in leaving an abusive relationship.

This briefing outlines Women's Aid's concerns and recommendations on a number of welfare reform policies. Our recommendations on the wider implementation of Universal Credit and the Department for Work and Pensions (DWP) and Ministry of Housing, Communities and Local Government (MHCLG) proposed "short-term supported housing" reforms - which threatens to dismantle the national network of refuge services - are set out in additional briefings.

Women's Aid is committed to work alongside Government to ensure that welfare reform policies do not have unintended or negative consequences for survivors of domestic abuse, and the services which support them.

## 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.

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<sup>1</sup> [The Femicide Census: 2016 Findings - Annual Report on Cases of Femicide in 2016](#), Women's Aid in partnership with Karen Ingala Smith,

- 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.
- 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 at odds with 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 Violence and Abuse Bill to include a duty on Government to assess welfare reforms for their impact on survivors**. Robust and comprehensive impact assessments of all welfare reform policies including on the ability of women to escape abusive relationships, and rebuild their lives, is essential to ensure that the Government’s strong commitment to supporting survivors is not undermined.

**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 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 disproportionate and devastating impact on single women with children. 72% of capped households are single-parent families - of which 77% had at least one child under the age of five years and 34% had a child aged under two years of age.<sup>3</sup> Around 90% of single parents are mothers.<sup>4</sup>
- Lone parents with young children are unable to avoid the impact of the cap because of childcare responsibilities. There is no free childcare before two years of age, meaning parents often cannot work 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 also risks exacerbating the significant financial barriers which women in abusive relationships face in leaving. 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>5</sup>
- The cap is also restricting 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.

**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."*

### High Court Ruling

- On 22 June 2017, the High Court ruled that applying the benefit cap to lone parents with children under two was unlawful. The Government is set to appeal the ruling.
- Women's Aid provided an expert witness statement in this case - two of the four 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 secure affordable move-on accommodation, and another woman was living in overcrowded housing with five children and accruing debts and arrears.
- We have been publicly calling on the Government not to appeal this ruling, and to exempt survivors and all lone parents with children under two from the policy. In the interim, Discretionary Housing Payments (DHPs) must be available for survivors to access in these cases.

### 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 of domestic abuse whose total level of benefits exceed the cap limit have their benefits reduced.
- The Government state that because housing benefit, is not included in the cap calculation, most women in refuges will not be impacted. But refuges are reporting that some women are receiving notifications that their benefit entitlement is being reduced - due to the fact that their other benefits exceed the overall limit of the cap.
- Given cap levels, and the types of benefits included within it, survivors with larger families will be particularly affected.

<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](#), November 2017

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

<sup>5</sup> Howard, M and Skipp, A, Unequal, trapped and controlled, Women's Aid and TUC, 2015

## **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 financial barriers stopping survivors from leaving abusive relationships, and the significant barriers they face to securing employment and childcare. We urge the Government not to appeal the recent High Court ruling, and 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 prioritised for local authority Discretionary Housing Payments.**

## **2. Two child tax credit limit**

- The Government introduced a “two child limit” on child tax credits from 6 April 2017. This means that tax credit cannot be claimed for a third or subsequent child if this child is born after 6 April 2017.
- 17.7% of women in refuge had more than two children in 2016.<sup>6</sup> This policy risks increasing financial barriers for women escaping abusive relationships - creating stark choices between poverty and safety - and restricting a survivor’s ability to rebuild independence.
- The Government have introduced a number of exemptions to the limit - including for children ‘conceived from non-consensual conception’ - defined as either rape or a context of coercive control. Domestic abuse services are listed as third party organisations who can verify that a survivor is eligible for the exemption.
- 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>7</sup>
- Women’s Aid is clear that a policy which relies on survivors disclosing and evidencing domestic and sexual abuse in order to access a welfare benefit is fundamentally unworkable. Many women will never disclose rape to anyone, for reasons including trauma, self-protection, shame, and fear for others - including their child.
- We also remain highly concerned that a woman is required not be living with the alleged perpetrator in order to access the exemption. This requirement demonstrates a lack of understanding of the nature of coercive control, and the risks facing women and children in an abusive relationship. 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>
- As the Equality and Human Rights Commission have made clear, the exception “raises serious issues in relation to a child and mother’s right to private life under Article 8 of the European Convention on Human Rights.”

## **Women's Aid Recommendation**

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

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

<sup>7</sup> [Child Poverty Action Group](#), 2018

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

### 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 - 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 Violence & Abuse Bill

The range and severity of concerns with the current welfare reform agenda on survivors of domestic abuse demonstrates that a new approach is needed. The Government has also had to continue to retrospectively revise welfare policies because of unintended consequences, which is inefficient and time-consuming.

Women's Aid warns that the ambitious commitment of the Domestic Violence and Abuse Bill, which aims to *"transform our approach to domestic violence and abuse to ensure that victims have the confidence to come forward and report their experiences, safe in the knowledge that the state and justice system will do everything it can to both support them and their children"* will be undermined by welfare policies that adversely impact survivors of domestic abuse and the services that support them. 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.

### Women's Aid Recommendation

- **The DVA Bill should include a duty for the government to develop and publish impact assessments of welfare reforms on survivors of domestic abuse survivors. There must be a specific focus on whether policies increase the barriers that survivors face in leaving an abusive relationship.**

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***If you have any questions or would like any more information please contact  
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