Scottish Women's Aid response request for views: The Best Start Grants and Scottish Child Payment (Miscellaneous Amendments) Regulations 2021

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Scottish Women's Aid

Scottish Women's Aid (SWA) is the lead organisation in Scotland working to end domestic abuse and plays a vital role in campaigning and lobbying for effective responses to domestic abuse. We provide advice, information, training and publications to our member groups and to a wide variety of stakeholders. Our members are local Women's Aid groups, which provide specialist services, including refuge accommodation, information and support to women, children and young people.

Domestic abuse – economic and financial abuse

Domestic abuse is both a cause and consequence of women's inequality. This is embedded in Equally Safe[1], the Scottish Government's strategy on violence against women and girls which makes an explicit commitment to addressing gender inequality as a significant route towards preventing and eradicating violence against women and girls.

Economic abuse is a pervasive component of domestic abuse, 95% of women who experience domestic abuse report experiencing economic abuse.[2] Post separation financial sabotage through child maintenance and child benefit and child contact arrangements are critical means by which perpetrators of domestic continue to abuse women and children.[3] For child benefit, where the claim has been in the perpetrators name, it can take weeks or months for that claim to be ended and a new award to be made in favour of the mother.[4] This process can be drawn out by the perpetrator where he disputes claims of parental responsibility, or refuses to engage with the process.

Amendments to Scottish Child Payment Regulations

We understand that the amendments which give discretion to Scottish Ministers to determine entitlement to Scottish Child Payment which "allows a hierarchy to be used to determine

[1] Scottish Government (2014) Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls

[2] [Statistics-on-economic-abuse.pdf (survivingeconomicabuse.org)]

[3] Sharp-Jeffs (2015) A Review of Research and Policy on Financial Abuse within Intimate Partner Relationships

[4] CPAG (2017) A question of responsibility: *problems with child benefit and income support when women and their children flee domestic violence*

eligibility for early years assistance where there are competing claims." We also understand that these regulations are likely to apply in a limited number of cases.

While these maybe necessary administrative amendments to the regulations we believe the Scottish Government can do significantly more to recognise and address the use of competing claims for social security by perpetrators of domestic abuse. The current reliance on the decision making of the DWP to determine entitlement to the Scottish Child Payment prevents the Scottish Social Security system from undertaking assessments that recognise and address financial abuse. The DWP will often rely on the award of Child Benefit to determine parental responsibility in disputed claims, which can be delayed by weeks or months by a perpetrator of domestic abuse. As backdating of Scottish Child Payment is not included in these amendments this can result in children and their mothers losing out considerably on essential financial support at the time they most need it.

Amendments to Best Start Grant Regulations

These regulations also introduce rules for competing claims and we share concerns raised by CPAG in their response as to in what circumstances these rules will apply and how an individual's entitlement will be determined in competing claims. We are particularly concerned that the rules in sub-paragraph (4) do not give any higher priority to the applicant who is pregnant or has given birth to the child, (periods of increased risk to women experiencing domestic abuse), which contradicts the purpose of the pregnancy and baby payment. Research indicates that labelling money as being for children, and paying this by default to the person mainly responsible for the children, usually the mother, make it more likely that this will be spent on children.[5] The rules introduced in these amendments also do not appear to address financial abuse where both members of a couple, both entitled to UC, make a competing claim.

The current social security system fails women when they are living with an abusive partner; when they try to leave an abusive partner; and when they try to build a new life. Being unable to afford to leave, and fearing the financial implications of leaving, can mean that victim-survivors stay longer, increasing the risk of abuse.[6]

The Scottish Government working group on improving housing outcomes for women and children experiencing domestic abuse recommended that the Scottish Government "should explore options for a dedicated support fund or entitlements with clear guidance and capable of delivering short-term recurring payments to support women leaving an abusive partner. This should include essential crisis costs to enable a woman to leave and to bridge the gap between leaving and the first payment of a UC payment".[7] The Scottish Government have accepted all of the recommendations in the report and it is included within the Scottish Campaign on the Right

[5] https://wbg.org.uk/wp-content/uploads/2021/01/Money-in-the-household-FINAL-with-cover-2.pdf
[6] Howard, M. (2019). Benefits or barriers? Making social security work for survivors of violence and abuse across the UK's four nations. Women's Budget Group.
[7] https://womensaid.scot/wp-content/uploads/2020/12/Improving-Housing-Outcomes-for-Women-and-Children-Experiencing-Domestic-Abuse-Report.pdf

to Social Security manifesto.[8] SWA believes this needs to be urgently progressed along with the Scottish Government's commitment to split payments of Universal Credit to ensure access to and independent income.

Lack of awareness, understanding and recognition of financial abuse means that the social security system is unable to identify and address financial abuse, and there are also no strategies in place for prevention and early intervention. SWA are particularly concerned that lack of specific domestic abuse training for Social Security Scotland staff will result in a social security system in Scotland that is unable able to address financial abuse or adequately respond to victim-survivors.

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[8] https://cpag.org.uk/sites/default/files/files/scorss_manifesto_2021.pdf