Social Justice and Social Security Committee Inquiry:

Financial Considerations When Leaving an Abusive Relationship

Scottish Women's Aid (SWA) is the lead organisation in Scotland working to end domestic abuse and plays a vital role in campaigning for effective responses to domestic abuse.

SWA is the umbrella organisation for the majority of local Women's Aid organisations across Scotland; each providing practical and emotional support to women, children and young people who experience domestic abuse. The services offered by our members include crisis intervention, advocacy, counselling, outreach, follow-on support and temporary refuge accommodation.

We also run Scotland's Domestic Abuse and Forced Marriage Helpline taking over 1000 calls, WhatsApp messages, and texts (24h/365) every month.

Introduction

SWA welcomes the opportunity to submit comments in response to the Social Justice and Social Security Committee's call for views on the Financial Considerations When Leaving an Abusive Relationship. Our response reflects comments and opinions from our Survivor Reference Group (SRG), case studies, and Scotland's Domestic Abuse and Forced Marriage Helpline workers.

Key Points

- Much of the terminology used when considering economic and financial abuse before, during and after separation fails to reflect the experiences of women and children. It oversimplifies and undermines these experiences.
- There is no working definition of economic abuse within any policy, legislation or strategy in Scotland, other than, loosely, within the Domestic Abuse (Scotland) Act 2018.

- Scottish Government strategies relating to violence against women do not recognise economic and financial abuse and the impact they have on women and their ability to separate from an abusive partner.
- The social security system does not consider experiences of domestic abuse (DA) and its impact on victim-survivors and their children.
- The current lack of understanding and consideration for coerced public debt is directly contributing to trapping women and children with an abusive partner and exacerbating their physical and economic insecurity.
- Scottish Government should consider approaches that would mitigate debts accrued due to financial abuse.
- Post-separation economic abuse is perpetrated against victim-survivors through the legal system.
- Outside of specialist DA services, there is very limited advice and information available relating to economic abuse, coerced debt, and financial considerations and barriers for women who have experienced DA.
- The No Recourse to Public Funds (NRPF) policy places some of Scotland's most vulnerable and marginalised women and children in harm's way, reinforcing gender inequality and preventing meaningful access to justice and recovery.
- It is the government's responsibility to prevent all forms of violence against women and girls (VAWG) and to ensure their economic, social and cultural rights in Scotland. Economic insecurity due to DA is at the nexus of these responsibilities.

Terminology

Much of the terminology used when considering economic and financial abuse before, during and after separation fails to reflect the experiences of women and children. It oversimplifies and undermines these experiences.

The concept of 'leaving'

- Attempting to separate is the most dangerous time for victim-survivors. In 2021 just over half (52%) of women killed by a partner were leaving or had left their partner. Of these women, almost half (49%) were killed trying to separate or within the first month of separation. [1]

- Economic abuse can start, continue, or escalate post-separation and contributes to the impoverishment of women and children during and after a relationship with an abusive

[1] *Femicide Census 2021*. Available here: https://www.femicidecensus.org/wp-content/uploads/2024/07/2021-Femicide-Census-Report.pdf

partner.[2] This affects their ability to 'stay separated'.

- The term 'physically separate' better reflects that separating from an abusive partner is a complex process that can take decades.

- DA is one of the leading causes of women and children's homelessness in Scotland[3] and comes with considerable emotional and financial costs. The concept of 'leaving' is also closely associated with women and children having to 'flee' their homes to obtain safety from their abusive partners. The abusive partner should be made to leave the family home instead, as they are the ones who have committed the crime and present a continued threat to the safety of women and children.

- 'Leaving' does not always constitute geographical relocation, but this does not mean that financial considerations are less substantial. Victim-survivors who are able to remain in their home are met with continued economic abuse from their ex-partner, which can take the form of refusing to negotiate mortgage rates, coerced debt through council tax and rent arrears, continued damage to the property (which the victim-survivor has to pay to fix), amongst others.[4]

- Upon physically separating, women with children become 'single mothers'. Due to the economic abuse from their (ex)partners and gendered economic inequalities embedded in Scotland, they will often struggle to support themselves and their children. Costs of childcare, housing, utilities and everyday costs of living are substantial. In addition to these costs, abusive partners will entangle the victim-survivors in vexatious litigations, most notably through child contact and divorce proceedings and refuse to pay/pay a minimal amount of child maintenance.

- 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.[5] It is therefore essential that physical safety is equated with economic safety.

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[2] Sharp, N. (2008). *'What's yours is mine': The different forms of economic abuse and its impact on women and children experiencing domestic violence.* Refuge. https://www.theduluthmodel.org/wp-content/uploads/2021/12/Whats-yours-is-mine-Full-Report.pdf; Sharp-Jeffs, N. (2022). *Understanding and Responding to Economic Abuse.* Emerald Publishing.

[3] Scottish Government (2024). *Homelessness in Scotland: 2023-24.* Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2024/09/homelessness-in-scotland-2023-24/documents/homelessness-in-scotland-2023-24/homelessness-in-scotland-2023-24/govscot%3Adocument/Homelessness%2Bin%2BScotland%2B2023-24%2B.pdf

[4] Glinski, J (2024). "*You can't plan to leave under the system": Experiences of economic abuse and seeking support for separation.* PhD Thesis. Available from: https://theses.gla.ac.uk/84517/

[5] Howard and Skipp (2015). *Unequal, trapped and controlled: women's experiences of financial abuse and potential implications for Universal Credit.* Available from: https://www.womensaid.org.uk/unequal-trapped-and-controlled/

Economic abuse

A key consideration missing from this consultation is economic abuse. Recognising economic abuse is crucial for understanding victim-survivors' economic insecurity and financial considerations for surviving with, leaving an abusive partner, and rebuilding lives post-separation. 95-99% of women who experience DA experience a form of economic abuse.[6] Despite this high prevalence rate, economic abuse remains misunderstood and unidentified by policymakers and professionals alike. Abusive partners exploit women's systemic gender inequality in Scotland[7] to perpetrate economic abuse to deplete women's resources and trap them indefinitely. Economic security is directly linked to physical security and must, therefore, be considered at every stage of a victim-survivor's experience.[8]

Economic abuse is defined as behaviours that control a woman's "ability to acquire, use, and maintain economic resources, thus threatening her economic security and potential for self-sufficiency".[9] Although economic abuse is included, *de facto*, within the Domestic Abuse (Scotland) Act 2018, there is no working definition of it in any policy, legislation or strategy. This needs to be considered to help make this inquiry and its recommendations effective in supporting victim-survivors to leave and address the causes of financial insecurity.

'Abusive relationship'

The term "abusive relationship" shifts the focus from the abuser to the relationship itself. This implies that both parties contribute to the abuse or that the abuse is a characteristic of the relationship rather than an imbalanced power dynamic where one partner is actively inflicting harm. The term "abusive partner" more accurately places responsibility where it belongs: on the individual who is perpetrating the abuse and better locates where interventions are likely to be effective and reduce harm.

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[6] Surviving Economic Abuse (2020). *Recognising and responding to the scale of coerced debt* p8. Available at: https://survivingeconomicabuse.org/wp-content/uploads/2020/11/SEA-EJP-Evaluation-Framework_112020-2-2.pdf

[7] For example, women have experienced a higher annual loss in living standards since 2010 than men: https://www.wbg.org.uk/publication/where-do-we-go-from-here-an-intersectional-analysis-of-womens-living-standards-since-2010/ and the gender pay gap: https://www.gov.scot/publications/annual-survey-of-hours-and-earnings-2024/pages/gender-pay-gap/

[8] Sharp-Jeffs, N. (2022). *Understanding and Responding to Economic Abuse.* Emerald Publishing.

[9] Adams et al. (2008). Development of the scale of economic abuse. *Violence Against Women,* 14(5), 563–588. https://doi.org/10.1177/1077801208315529.

Consultation Responses

1. To what extent do Scottish Government strategies such as Equally Safe give proper recognition to financial considerations when leaving an abusive relationship?

Scottish Government strategies relating to VAWG, do not recognise economic and financial abuse and the impact they have on women and their ability to separate from an abusive partner. The only 'costs' mentioned in Equally Safe are the costs of VAWG to society.[10]

Women subjected to DA are left in financially precarious situations because of the abuse and that this insecurity is exacerbated by systemic economic gender inequality in Scotland. There is a lack of recognition and available resources to help alleviate the financial barriers for victim-survivors seeking to separate and remain separated.

SWA, with the support of the Scottish Government, launched the Fund to Leave (FtL) pilot December 2023-March 2024.[11] The FtL helped women experiencing DA prepare for separation, separate, and stay separated. The pilot successfully supported 1109 women and children, with 73% of the fund used to cover the costs of housing, furnishings, relocation and utilities. Recipients of the fund highlighted how the money was used to furnish new homes, pay debts, buy food for themselves and their children and help them begin to rebuild their lives away from their abusive partner.

Recommendation

- Fund to Leave be made permanent and that it be extended to *all* victim-survivors in Scotland, including women with NRPF.

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[10] *See* Equally Safe page 24. Available at: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/12/equally-safe-scotlands-strategy-preventing-eradicating-violence-against-women-girls/documents/equally-safe-scotlands-strategy-preventing-eradicating-violence-against-women-girlsscotlands-strategy-preventing-eradicating-violence-against-women-girls/equally-safe-scotlands-strategy-preventing-eradicating-violence-against-women-girlsscotlands-strategy-preventing-eradicating-violence-against-women-girls/govscot%3Adocument/equally-safe-scotlands-strategy-preventing-eradicating-violence-against-women-girlsscotlands-strategy-preventing-eradicating-violence-against-women-girls.pdf

[11] SWA and Scottish Government. (2023). *Support to leave an abusive relationship.* Available from: Support to leave an abusive relationship - gov.scot

2. **How well do social security systems take account of domestic abuse? Do you have specific examples of social security rules and practices that need to change?**

The social security system does not consider experiences of DA and its impact on victim-survivors and their children. Information shared with us from the Helpline team, case studies and members of the Survivor Reference Group (SRG) illustrates how abusive partners use the social security system to perpetrate financial abuse. For example, abusive partners:

- Withhold benefits intended for the victim-survivor and their children.
- Falsely report victim-survivors for benefits fraud to trigger an investigation and stop payments.
- Falsely claim benefits in victim-survivor's name.
- Falsely claim children are living with the abusive partner to receive child benefit.
- Prohibit victim-survivors from engaging in paid work and force them to live on benefits.

Information and applications for benefits being predominantly online presents significant barriers for victim-survivors who may not have access to the internet or an unstable internet connection, non-native English speakers, and those who are not comfortable navigating technology. The Helpline team support women exerting significant emotional, physical and mental labour in trying to access support:

"So many women are so at the end of their tether with everything, and then having to dump all of this admin, life admin, emotional admin, on top of everything else, it just feels so overwhelming." (Helpline worker)

Recommendations

- Introduce automatic split payments of Universal Credit (UC).
- Scrap the 5-week wait for UC. Long waiting periods for UC causes public debt to accrue from the outset of claims in the form of future deductions.

3. When public bodies, for example, local authorities and housing associations, are pursuing debt owed to them, to what extent do they take into account the way debt can arise as a result of being in or leaving an abusive relationship? Do you have specific examples of rules and practices that need to change?

The current lack of understanding and consideration for coerced public debt is directly contributing to trapping women and children with an abusive partner and exacerbating their physical and economic insecurity.

Public debt is often deliberately accrued by the perpetrator as a form of economic abuse; one form of what is known as 'coerced debt'. Currently, coerced public debt is not considered by local authorities and housing associations and victim-survivors are being held liable for the repayment.[12] Victim-survivors commonly find out about coerced debt when considering physical separation.[13] Additionally, victim-survivors' accounts from our helpline reveal that women living in emergency accommodation can also accrue, and are held liable for, council tax arrears accumulated during their stay.

Being held responsible for coerced debt, and the inability to make those payments because of economic abuse, often forces victim-survivors and their children to return to their abusive partners.

Local authorities use aggressive debt collection processes, including bank and income arrestment, which further disadvantage victim-survivors and their children and cause increased financial hardship and poverty.[14]

Recommendations[15]

- Scottish Government to promote awareness and understanding of economic abuse and coerced debt within local councils, housing associations and utility companies.
- Local authorities to disregard rent or council tax arrears when providing emergency accommodation to victim-survivors and their children.
- Public debt should not prevent victim-survivors from accessing emergency accommodation.
- Local authorities and utility companies to prohibit aggressive debt collection practices that push families deeper into poverty.
- Develop debt recovery policies that recognise the impact of domestic and economic abuse and prevent victims being pursued for coerced debt in their name because of abuse.
- Local authorities and utility companies to suspend debt collection by public bodies for victim-survivors for 12-24 months to allow time to emotionally and financially recover without facing additional pressures, financial hardship or families being pushed into poverty.

4. Do legal aid rules take sufficient account of the financial circumstances of women who have experienced domestic abuse? Do you have any specific examples of rules or practices which need to change?

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[12] Aberlour, Scottish Women's Aid and Financially Included. (2024). *"We can't expect women to recover from trauma with the weight of coerced debt on their shoulders."* Available from: https://womensaid.scot/coerced-debt-joint-briefing_nov2024/

[13] Glinski, J. (2024). "*You can't plan to leave under the system": Experiences of economic abuse and seeking support for separation*. PhD Thesis. Available from: https://theses.gla.ac.uk/84517/

[14] Treanor, M. (2023). *How public debt and arrears are experienced by low-income families*. Available from: https://aberlour-web-admin.s3.eu-west-2.amazonaws.com/docs/aberlour-qualitative-report.pdf

[15] For a detailed breakdown of asks relating to public debt relief, please see our joint briefing with Aberlour and Financially Included. Available here: https://womensaid.scot/coerced-debt-joint-briefing_nov2024/

Post-separation economic abuse can be perpetrated against victim-survivors through the legal system.

Professionals across the justice system do not have a sufficient understanding of economic abuse and how it can commence, continue or escalate post-separation and be facilitated through abusive litigation.[16] Abusive (ex)partners will purposely delay legal proceedings, refuse to settle, and maliciously litigate against their ex-partner for the sole purpose of exerting continued power and control over the victim-survivor and their children. This exhausts victim-survivors emotionally, psychologically and financially, and there is currently no recognition - nor remedy - for abusive litigation.

Issues with legal aid include:

- Women who, 'on paper', look to have income and capital in a family home or another asset do not qualify for legal aid; however, due to economic abuse, they commonly do not have access to those assets. This is considered 'trapped capital' and has been recently reviewed by the Public Law Project in England.[17]
- Means testing in the context of DA—given that 90+% of victim-survivors experience financial abuse—is wholly inappropriate. Per recommendations made to Government from multiple working groups, including the Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse[18] and the National Advisory Council on Women and Girls, legal aid services should be free for victim-survivors of DA.
- What Legal Aid does and does not cover for a family living with domestic abuse guarantees that victim-survivors-if they can get a legal aid solicitor-will get an inconsistent and piecemeal legal service. The biggest threats for victim-survivors are very often coerced debt, unfair distribution of family income and assets, unsafe or unaffordable housing, and insecure and uncertain housing rights. Victim-survivors, often cannot source adequate, competent advice and support for their most basic legal needs. An example of best practice in providing free, trauma-informed, DA- competent legal support for victim-survivors, is the Edinburgh Women's Aid Legal Service.[19]

Recommendations

- Scottish Government to fund the scaling up of the Edinburgh Women's Aid model of free legal advice and representation across Scotland.

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[16] Glinski, J. (2024).
[17] Marshall, E. and Rourke, D. (2022). *'Trapped capital' and financial eligibility for legal aid.* Available from: https://publiclawproject.org.uk/content/uploads/2022/04/Trapped-capital-FINAL_.pdf
[18] Women's Aid. (2020) *Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse Report*. Available from: https://womensaid.scot/improving-housing-outcomes-for-women-and-children-experiencing-domestic-abuse-report/
[19] Edinburgh Women's Aid. (2024). *2023-2024 Impact Report,* p31-32. Available from: https://edinwomensaid.co.uk/files/2024/10/Impact-Report-2023-24.pdf

- Review the 'trapped capital' of victim-survivors who have been subjected to economic abuse to reconsider their financial eligibility for legal aid.

5. What are the particular barriers faced by those with No Recourse to Public Funds? And what can be done at a Scottish and local level to address these?

"There is no safety net for women with no recourse. Particularly women without children." (Helpline worker)

The NRPF condition places these women and children in harm's way, reinforcing gender inequality and preventing meaningful access to justice and recovery. Their immigration status shapes their experience of abuse, increases its severity and prolongs it because it is state-facilitated.[20]

Barriers

- As victim-survivors with NRPF cannot claim housing benefit, accessing a refuge space is therefore incredibly difficult. This forces women to decide between returning to an abusive partner, homelessness or (where viable) returning to their country of origin.

- NRPF can be used by the abusive partner to frighten and threaten victim-survivors into staying with them.

- Helpline data indicates that spousal and student visas are the most common type of visas women using the Helpline have. However, sponsoring institutions, such as academia, do not fully understand their rights and responsibilities towards students on such visas – resulting in a lack of information and support available.

Recommendations

- Reinstate legal aid for victim-survivors of DA.
- Ensure adequate support to women with no recourse to public funds who are at risk of homelessness, including those who do not qualify for support from social care services.
- Enable provision of discretionary cost of living and emergency support to women experiencing DA.

6. Does the advice and information available to women experiencing domestic abuse adequately deal with financial barriers?

"The actual gathering of the info [on economic and financial abuse] is time-consuming, exhausting, and not accessible to everybody who is looking for it." (Helpline worker)

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[20] Dudley, R. (2016). *Domestic Abuse and Women with No Recourse to Public Funds: Where Human Rights Do Not Reach.* Available from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2726980

Outside of specialist DA services, there is very limited advice and information available relating to economic abuse, coerced debt, and financial considerations and barriers for women who have experienced DA. Information is often England-centric and does not consider the Scottish context and/or have up-to-date information support available in Scotland.

Due to funding cuts across the third sector, specialist support organisations such as grass-roots Women's Aid services, which provide financial advice, information and support for victim-survivors, are minimal. Victim-survivors in remote and rural communities are often without access to support.

The reliance on information and advice being available solely online creates additional barriers for victim-survivors who do not have access to high-speed internet, are uncomfortable and/or unable to access the internet, or who have accessibility requirements, such as disabled women and women who have English as a second language.

Many official sources of advice online do not include an 'Exit Safely' button, which should be a standard requirement for government websites to help protect victim-survivors.

7. To what extent is it the role of government to ensure that someone's economic circumstances do not prevent them from leaving an abusive relationship?

"Women are most at risk when leaving and finances are a barrier. It is literally life and death we're talking about and the fact that the government isn't joining the dots…it feels nonsensical." (Helpline worker)

It is the government's responsibility to prevent all forms of VAWG and to ensure their economic, social and cultural rights in Scotland.[21]

Economic insecurity due to DA is at the nexus of these responsibilities. The Scottish Government, therefore, has a critical responsibility to ensure that no individual's economic circumstances prevent them from leaving an abusive partner, particularly given its broader commitment to ending VAWG and addressing the persistent issue of women's economic inequality.

The government's role in tackling VAWGis not just about providing immediate safety but also ensuring long-term freedom and security, which includes addressing the financial barriers that victim-survivors face when trying to separate physically. By securing women's economic independence and addressing the systemic inequalities that exacerbate their

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[21] The UK has ratified the Convention on Preventing and Combating vVolence against Women and Domestic Violence (the Istanbul Convention), the Convention on the Elimination of Discrimination against Women (CEDAW), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC).

vulnerability, the Scottish Government is not just responding to individual cases of abuse but actively working to end gender-based violence and inequality at a structural level. Until full gender equality is achieved, it is the government's duty to provide the necessary financial support, resources, and protections that allow *all* women and children to escape abusive partners and rebuild their lives without being trapped by poverty or economic insecurity.

Contact Details

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