

Mitigation of two child limit consultation

[Mitigation of the two-child cap - Scottish Government consultations - Citizen Space](#)

April 2025

1. Do you agree or disagree with the Scottish Government's assessment that Social Security Scotland should deliver payments to mitigate the two-child cap in Scotland?

Agree Disagree Don't know

Please give reasons for your answer below.

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 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.

SWA have long called for the UK Government to completely scrap the two-child limit, including the 'rape clause'.¹

It is widely understood, and acknowledged by Scottish Government, that scrapping the two-child limit would be the most cost-effective way to reduce child poverty.² Despite this, UK Government has chosen to continue the policy, which has just passed its eighth anniversary.

Scrapping the two-child limit entirely would involve removing the 'rape clause' (which exempts children born as a result of non-consensual sex). Alongside other specialist organisations, we have consistently highlighted the cruelty of this policy.³

The paper outlines that Scottish Government 'is considering how the mitigation will interact with the existing exceptions', including the 'rape clause'.⁴ We would be keen to understand the plans for this in more detail. It is essential that women are no longer forced into traumatic disclosures, and that the delivery of the mitigation payments is handled extremely carefully to avoid any unnecessary further trauma for women.

Clarification is needed on how this mitigation will work alongside the DWP exemption for women who have subsequent children as a result of rape.

¹ [Scrap the Rape Clause & Family Cap | Scottish Women's Aid](#)

² [New costings: scrapping two-child limit is 'by far' most cost-effective way to cut child poverty | CPAG ; Welfare reform - impact on households with children: report - gov.scot](#)

³ [Scottish Women's Aid, Rape Crisis Scotland, and Engender statement on the 'rape clause', 'family cap' and the UK general election | Engender blog | Engender](#)

⁴ [Consultation Paper - Mitigation of the two-child cap](#)

2. Do you agree or disagree that to mitigate the two-child cap the Scottish Government should use the powers at s79 to top-up Universal Credit?

Agree Disagree Don't know

Please give reasons for your answer below.

3. Do you agree or disagree that payments to mitigate the two-child cap should be disregarded as income by the UK Government?

Agree Disagree Don't know

Please give reasons for your answer below.

Agree.

4. Do you have any information you wish to share about any additional potential impacts of the proposed approach outlined in this consultation?

We welcome the commitment to mitigate the two-child limit, which we have long campaigned to be abolished.

We also welcome the Scottish Government's acknowledgement that 'poverty and gender are inextricably linked'.⁵

As well as being gender competent, the approach to mitigating the two-child limit must be domestic abuse competent, including competence in economic abuse. Economic abuse involves the exploitation, sabotage, and restriction of women's economic and financial resources (i.e. money, income, housing, transport, employment, education). These tactics deplete women of their economic resources and creates financial dependence on the perpetrator for survival. Financial insecurity, and a lack of economic independence, can trap women and children with an abusive partner for years - impacting their safety, physical and mental health, and ability to rebuild their lives after separating. Economic abuse contributes to the financial insecurity and poverty that women and children in Scotland experience.

The mechanism developed by Scottish Government to make payments must support and empower victim-survivors of domestic abuse. This is particularly relevant as people fleeing domestic abuse are one of the seldom heard groups likely to experience reduced access to, or take-up of, the Scottish benefits they are entitled to.⁶

Scottish Government must put safeguards in place to ensure that the payment system cannot be manipulated or weaponised by perpetrators of domestic abuse.

⁵ <https://www.gov.scot/binaries/content/documents/govscot/publications/consultation-paper/2025/02/mitigation-two-child-limit/documents/mitigation-two-child-cap/mitigation-two-child-cap/govscot%3Adocument/mitigation-two-child-cap.pdf>

⁶ Benefit Take-up Strategy October 2021