

# Financial information for families fleeing domestic abuse

March 2015



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# Financial information for families fleeing domestic abuse

If you are experiencing domestic abuse, the financial implications should not be a barrier to making yourself and your children safe. There are special social security procedures that are aimed at helping you in this situation.

**This leaflet includes information for anyone affected by any incident or pattern of incidents of controlling behaviour, violence or abuse, including physical, sexual, psychological, financial or emotional abuse by a partner, former partner or family member, regardless of your gender or sexuality. It gives a brief overview of what benefits you may be able to get if you have to flee your home due to domestic abuse. It is not a full statement of the law and you should seek specialist advice in your individual circumstances.**

Financial information for families fleeing domestic abuse is one of a series of Child Poverty Action Group in Scotland leaflets giving guidance about aspects of the social security system of particular concern. Child Poverty Action Group promotes action for the prevention and relief of poverty among children and families with children.

# What financial help is available if you need to flee your home due to domestic abuse?

## **Scottish Welfare Fund**

You can apply for a Crisis Grant for living expenses if you need to leave your home in an emergency. You can also apply for a Community Care Grant for other needs such as travelling expenses or household items if you are moving into a new home, and are facing exceptional pressures due to domestic abuse. You should be on a low income and are normally expected to be getting certain benefits but this is not essential. You should apply to your local authority for a Crisis Grant and/or Community Care Grant from the Scottish Welfare Fund. You should also claim any benefits you are eligible for and request a short term benefit advance.

## **Income Support (IS)**

If you have a child under the age of 5, you can claim income support as a lone parent as soon as you have left your former partner. You do not have to look for work or be available for work until your youngest child reaches the age of 5. If your child is at least one, you may be required to attend a work-focused interview, but this may be waived if it is not appropriate in the circumstances. If your child is aged 3 or 4, you may be required to undertake work-related activity such as skills assessment, but this should only be required while your child is being looked after by someone else, and must be reasonable in the circumstances.

If you are sanctioned for failing to attend a work-focused interview or undertake work-related activity, you should challenge the decision on the grounds that you had good reason due to your circumstances.

## **Jobseeker's allowance (JSA)**

If you have a child aged 5 or over, you will usually have to claim Jobseeker's allowance. You do not have to look for work or be available for work if you have experienced, or been threatened with, domestic abuse within the last 26 weeks. This exception applies for four weeks

from the date you notify the Department for Work & Pensions (DWP), and can be extended to 13 weeks if you provide evidence from a person acting in an official capacity, such as police or social worker. This exception can only be applied once in any 12-month period. You can get a form (DV1) to apply for this on the Scottish Women's Aid website, or ask at the Job Centre.

After this 4 or 13 week period, you must be looking for work and available for work for at least 16 hours a week. If you have a child under 13, you only have to be available for work during school hours. If you have a child under 16, you do not have to be available for work during the school holidays if it is unreasonable for you to make other arrangements. It is important to inform your personal adviser at the job centre of your circumstances and childcare needs, and make sure the information is included in your jobseeker's agreement (also known as claimant commitment).

If you are sanctioned for failing to meet your commitments, you can challenge the decision if you had a good reason. For example, you should not be sanctioned for failing to apply for a job that would have placed you at risk of meeting your former partner.

There are two types of jobseeker's allowance; one is based on your national insurance contributions and is usually only payable for 6 months. The other is income-based and can be paid indefinitely (but it may be time-limited for some European nationals).

## **Employment and support allowance (ESA)**

If you are unable to work because of illness or disability, including due to the physical or psychological effects of domestic abuse, you may be entitled to employment and support allowance. You need to have a medical certificate provided by your GP or other doctor, and pass an assessment of your capability for work.

If your child is aged 3 or over, you may be required to undertake work-related activity such as a skills assessment, but this cannot include applying for jobs and must be reasonable in your circumstances. If you are placed in the support group for the more severely disabled, you are not required to undertake work-related activity.

There are two types of ESA; one is based on your national insurance contributions and is only payable for one year, or longer if you are placed in the support group. You may also be entitled to the other type which is income-related and can be paid for longer.

## **Housing benefit**

If you have fled your home due to fear of abuse but intend to return, for example when your former partner has been excluded or convicted, you can continue to receive housing benefit for up to 52 weeks of a temporary absence. In this situation, you can also receive housing benefit on another home, for example if you are liable for rent in temporary accommodation.

Housing benefit can be reduced if your total from benefits including IS, JSA, child benefit, child tax credit and housing benefit is more than the 'benefit cap', currently around £500 a week for a lone parent. This is most likely to affect you if you have a large family or are living in accommodation with a high rent. If you are staying in a refuge, this type of accommodation is usually exempt from the benefit cap, so your housing benefit can cover the higher charges usually associated with the additional support and security provided. If you are getting housing benefit on two homes under the rule described above, you may be affected by the benefit cap.

Housing benefit may not cover your rent in full if it is considered that the property is too large for your family's needs or the rent is too high. The 'bedroom tax' does not usually apply if you are in a refuge but these rules may affect you if you had to find other accommodation in an emergency and not been able to shop around in the private sector or to wait for another offer from a housing association or council.

## **Discretionary housing payment (DHP)**

If housing benefit does not cover your rent in full for any reason, you should apply for a DHP from your local authority and explain your circumstances. DHP guidance refers to families fleeing domestic abuse several times.

## **Child tax credit**

You must claim tax credits as a single person if you have separated from your partner. You are eligible for child tax credit if you are responsible for a child who is normally living with you. You may also be eligible for working tax credit as a lone parent and help with childcare costs if you are working at least 16 hours a week. Your new single claim is based on your individual income, and is not affected by your former partner's income. Spousal and child maintenance is ignored. Property is ignored but income derived from it counts as income.

If you were getting tax credits as a couple, your joint claim can be ended and your new single claim can be made in the same telephone call to the Tax Credits Helpline, with a target to make payments quickly. You will still receive an annual review form about your old joint claim at the end of the tax year, usually issued between April and July. Both former partners must usually declare their income for the whole tax year and a final decision is made on entitlement up to the date of separation.

If there was an overpayment in your old joint tax credits claim with your partner, you will be asked to repay no more than 50% of the overpayment. If you report that you have been affected by domestic abuse, your case should be handled by a dedicated team who must ensure that your claim is dealt with appropriately, for example that you are not asked to provide information that could put your safety at risk.

## **Universal credit**

Income support, income-based JSA, income-related ESA, housing benefit and tax credits are gradually being replaced by universal credit, which has already been introduced in some areas of Scotland. There are similar rules for people affected by domestic abuse.

## **Means-tested benefits and your former partner, property or savings**

If you are claiming income support, income-based JSA, income-related ESA, housing benefit or a council tax reduction, your claim is not affected by your former partner's income. Any payment of child maintenance is ignored. If you receive spousal maintenance, this counts as your income and does not affect your claim.

If you have fled a property of which you were the owner or joint owner, the value of the property is ignored for at least 26 weeks following a relationship breakdown, or longer in other circumstances, for example if your former partner is a lone parent, or if you are taking legal advice to return to the property or take steps to sell your share.

If you had a joint account with your former partner, you will need to open an individual account in your own name to receive payments of benefits and tax credits. You may be treated as having a 50 per cent share of jointly held savings, but if you are unable to access a joint account due to domestic abuse, you should argue that the value is nil for means-tested benefits. You should also seek legal advice on gaining access to your share and other financial issues.

## **People from abroad**

European Economic Area (EEA) nationals may find that their rights to claim income support, income-based jobseeker's allowance, income-related employment and support allowance and housing benefit are limited, depending on their circumstances, and should seek specialist advice.

People from abroad who entered the UK as the partner of a British citizen or settled person and have fled domestic abuse may be entitled to claim benefits and tax credits under a special concession. If you have 'no recourse to public funds' as a condition on your stay in the UK, this concession allows you access to public funds so that you are not at risk. You can apply for a 'Destitute Domestic Abuse Concession' from the Home Office to allow you limited access to benefits and tax credits for three months. You can download the application form from [www.gov.uk](http://www.gov.uk) but you must also apply for indefinite leave to remain in the UK and should seek specialist immigration advice.

People from outside the European Economic Area (EEA) who entered the UK as the partner of an EEA national and have fled domestic abuse may also be able to obtain rights to claim benefits under European law.

# Further information

IN AN EMERGENCY CALL 999

## Local services

Welfare Benefits Service	01896 661394
SBC Customer Services	0300 100 1800
Domestic Abuse Advocacy Support Service	01835 825024
Domestic Abuse Community Service	01750 22892
Homelessness Services	0800 376 1138
Border Women's Aid	01835 863514
Central Citizens Advice Bureau (Galashiels)	01896 753889
Peebles Citizens Advice Bureau (CAB)	01721 721722
Roxburghshire and Berwickshire CAB (Hawick)	01450 374266
Roxburghshire and Berwickshire CAB (Kelso)	01573 223516
Roxburghshire and Berwickshire CAB (Duns)	01361 883340
Roxburghshire and Berwickshire CAB (Eyemouth)	01890 750500
Scottish Borders Housing Association	01750 724444
Berwickshire Housing Association	01361 884000
Waverley Housing Association	01450 364200
Eildon Housing Association	0845 6043733

## National services

HM Revenue and Customs (Tax Credits)	0345 300 3900
Mens Advice Line	0808 801 0327
Domestic Abuse Helpline	0800 027 1234
Scottish Women's Aid	0131 226 6606
The Scottish Child Law Centre	0131 667 6333

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## WELFARE BENEFITS TEAM

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