

Social Justice and Social Security Committee

Financial Considerations When Leaving an Abusive Relationship

Written Submission by the Legal Services Agency, 28 February 2025

Legal Services Agency is a Scottish Law Centre and Charity, dedicated to defending legal rights and driving social change through the law. We provide legal advice, assistance, and representation to those most in need.

Established in 1989, we operate nationally, offering legal aid to those who may struggle to access it otherwise. With significant experience in social welfare law, we develop novel remedies and tackle systemic failures to achieve sustainable changes for our clients and society.

Our practice areas include Mental Health and Incapacity, Housing, Criminal Injuries, Employment, Benefits, Disability Discrimination, and legal education.

We believe in everyone's right to specialist legal advice and having the right expert when things go wrong. A major focus of our work has been homelessness, helping individuals assert their legal rights and challenging unsuitable temporary accommodations and local authority decisions. We also prevent homelessness by defending eviction and mortgage repossession actions, providing emergency court representation, and offering a safety net for those at risk of becoming homeless.

As a law centre providing homelessness advice, we welcome the Committee's focus on the financial challenges survivors of domestic abuse face. Economic dependence and financial abuse are major barriers preventing women from leaving abusive relationships, and without adequate support, many face homelessness and destitution.

Key Financial Barriers Faced by Survivors in housing matters

Many women in abusive relationships unknowingly accrue rent arrears due to financial control by their partners. We regularly support clients who:

- Face eviction because their partner failed to pay rent, despite the survivor believing it was being covered.
- Have had their finances drained by a partner's gambling debts, forcing them to prioritise repayment over essential living costs.
- Struggle with joint tenancies, where their abuser remains liable for the tenancy or has been involved in antisocial behaviour, making it difficult for them to remain safely in their home.

Recognition in Scottish Government Strategies

While *Equally Safe* provides a strong framework for tackling domestic abuse, a more explicit focus on financial barriers is essential. Survivors frequently face significant debt, often accrued due to coercive control, which exacerbates their risk of homelessness.

We urge the Scottish Government to:

- Ensure **financial abuse is explicitly addressed** in all domestic abuse strategies.
- Increase and sustain **funding for Women’s Aid and other frontline services** that provide advice, financial and housing support.

Steps to Improve Support for Survivors

1. Housing and Rent Arrears Support

- Implement trauma-informed training for housing officers to ensure they handle rent arrears cases sensitively and speak to joint tenants individually.
- Strengthen pre-action requirements for social landlords to ensure they consider the impact of domestic abuse before initiating eviction proceedings.
- Assign specialist housing officers trained in domestic abuse to provide tailored support to survivors facing eviction.
- Increase early financial and housing advice for survivors to prevent arrears from escalating.
- Recognise that a Provision, Criterion or Practice (PCP) requiring eviction at a set arrears threshold may amount to indirect discrimination, disproportionately impacting women who are domestic abuse victims.
- Advocate for clear protocols that consider abuse-related debt when assessing repayment terms and allow for adjusted repayment plans based on the survivor’s financial situation.
- Provide access to emergency financial support to clear arrears caused by the abusive partner.
- Consider writing off rent arrears, particularly where they have been accrued due to financial abuse.

2. Expand Financial Assistance

- Increase awareness and accessibility of initiatives like the “**Fund to Leave**” project, which provides financial support to women fleeing abuse.

- Ensure **debt accrued due to financial abuse** does not prevent survivors from accessing benefits, housing, or other forms of support.
- Provide **sustainable funding** for Women’s Aid and other organisations offering assistance.
- Legal costs can be a significant barrier for survivors seeking protective orders, divorce, or child custody arrangements. **Extend automatic legal aid** to civil cases related to domestic abuse, ensuring survivors can access justice without financial obstacles.

3. Collaborate with Support Services

Partnership working is key to ensuring survivors can access holistic support. Create avenues to strengthen partnerships between:

- Domestic abuse charities providing **safety planning and advocacy**.
- Financial and debt advice services to help survivors **regain financial independence**.
- Legal aid providers assisting with **housing, debt relief, and protective orders**.

4. Advocate for Policy Implementation

We support the implementation of recommendations from reports such as “**Improving Housing Outcomes for Women and Children Experiencing Domestic Abuse**”, including:

- Strengthening protections to ensure **rent arrears linked to abuse do not prevent survivors from accessing social housing**.
- Preventing evictions where **arrears result from financial abuse**.
- Ensuring **social housing allocation policies prioritise survivors**.
- **Increase legal aid rates** for domestic abuse cases to ensure that survivors receive adequate legal representation and that solicitors are fairly compensated for this vital work.

5. Barriers for Those with No Recourse to Public Funds (NRPF):

Survivors with NRPF face immense barriers, often forced to remain in abusive relationships due to lack of financial support. We urge the Scottish Government to provide emergency financial assistance and accommodation to NRPF survivors and work with local authorities to develop inclusive support systems.

Conclusion

No survivor should be forced to remain in an abusive relationship due to financial constraints. Strengthening *Equally Safe* to include targeted financial protections, sustainable funding, and coordinated policy integration is essential. We urge the Scottish Government to consider these recommendations to prevent homelessness and improve financial security for survivors.

Submitted by Legal Services Agency