

Key themes from lived experience engagement with members of Scottish Women's Aid Survivor Reference Group

Theme 1: Legal Aid

Means testing

The way assets and savings are counted in the means testing of legal aid ignores the nuances and reasons why someone might have savings. An example was given of having to use savings that were meant for a family member as part of kinship care arrangements, which then took years to save back up and replace. Another woman used all her savings on legal fees, leaving her with no money for children's clothes.

People with earnings will often not be able to access legal aid, leaving them with the whole financial burden of saving up to leave the relationship, and funding lawyers themselves. Saving money to leave can take years. It can be confusing and expensive having to access different solicitors for: civil, criminal, family court, house sale etc.

One woman stated that she did not qualify for legal aid on paper, however after paying for things like rent, there was not much money left over.

Availability

It can be difficult to get legal aid solicitors in some areas – e.g. Aberdeen.

Finding a legal aid solicitor for civil proceedings was very difficult. It is easier to find for criminal proceedings.

One woman lost half her legal aid when she changed solicitor because the solicitor they had been using was also being used by her ex-partner. The solicitor did not agree that this was a conflict of interest.

Another person recounted a similar experience whereby she was initially offered legal aid, then was told the firm was going to represent her husband instead. She was left calling 20 different firms many times seeking representation. The problem of a lack of legal aid across the highlands and islands was highlighted, especially as people often want to engage with services that understand the issues specific to more rural areas.

One participant also raised the fact that nearly one-third of legal aid solicitors are set to retire within the next decade.

Inconsistent and inaccurate information

One woman reported that because she had owned a house abroad, she was told she was not entitled to legal aid, however this was incorrect. She instead had to get into debt to access legal help.

It was also reported that there is general inconsistency in terms of the knowledge those working in legal aid have regarding rules governing entitlement.

Abuse of system and inconsistency of support offered

Those who did get legal aid felt they were not treated as well as they might have been if they had been paying in full. One woman reported being told “judges don’t like whingers” by a solicitor. Participants also mentioned coming up against snobbery and pre-conceived bias when dealing with legal firms and being made to feel stupid. They explained reform of the legal aid system is needed, and that it is very important that the legal services offered by solicitors keep up with the law.

Perpetrators can start civil and legal proceedings as a form of financial abuse. One woman reported having malicious claims made against her in order to drain her finances as a result of having to reply to emails about the claims, even being charged to just send an acknowledgement email. Because money was not an issue for the ex-partner, these claims were only financially damaging for the victim/survivor.

“If you’re the one with the money, you’re the one with the power”.

One participant talked through her experience of accessing legal aid. She said one firm offered legal aid to represent her domestic abuse case, as long as she chose the same firm to process her divorce. She paid thousands of pounds for this, and once the divorce came through, she was told that legal aid was not worth it for their company and they dropped her as a client. She was eventually forced to sell her house to pay for costs, and that legal ‘aid’ was still £140/hour plus VAT, which was the ‘half price’ deal offered to her as encouragement to use the firm for her divorce as well.

Theme 2: Social Security

Delays in processing benefits

There can be delays in getting social security benefits. One of the participants had a long delay getting Scottish Child Payment, with long waits on the phone and a lot of “back and forth” trying to explain the situation. Once awarded, the payments were backdated. The Job Centre was much quicker.

One participant explained sometimes it is easier to scrape by rather than trying to resolve issues, given how long that can take.

Competing claims

There can be problems when two people claim the same benefit. One woman gave the example of her ex-partner’s family claiming Child Benefit without her knowledge, which meant that she couldn’t claim once she left her partner, as it was already in payment to someone else.

Scottish Welfare Fund (SWF)

One participant explained she contacted the Scottish Welfare Fund at a time when she didn't have enough money for electricity and gas bills. She was in a rural area and had a gas tank. However, because she did not have a pre-paid meter, the SWF told her they could not help, that the SWF emergency fund would not cover it, and that she should use her Universal Credit (UC) to pay for it instead. She explained that the amount she got from UC would not cover this, and that even if it did, that would leave her with nothing to live on. She therefore had to find over a thousand pounds to fill the tank up, which she said she is still paying back. She explained that when leaving her abusive relationship, she just took the first house she could get, and did not consider things like whether there was a pre-paid meter for bills in place.

Another participant said she had had a good experience with the SWF, which had paid for a number of white goods for her.

Child Maintenance Service (CMS)

This was a key issue for the group. Dealing with the CMS was described as "very difficult" and in one woman's case she considered it "an extension of the abuse". Ex-partners can manipulate the system to continue financial abuse. The CMS seems to have no understanding of this.

One woman described how she had been classed as the paying parent without her knowledge and found it very difficult/impossible to talk to a case worker to get that amended. She found the agency very unsympathetic and too ready to believe the ex-partner's version of events.

Another decided not to continue with the CMS as they had assessed an unrealistically low amount of payment and wanted to give her ex-partner her bank account details so he could pay into the account. She did not want to do this as in the past he had used tokenistic money transfers as a way to write abusive messages to her in the reference section of the payment. There was also an example of someone's ex-partner deliberately waiting until the very last minute of a five-day period to pay child maintenance, putting pressure on their finances.

One of the participants explained that, while the CMS says it accounts for cases of domestic abuse, in reality it is just signposting. She added that their website asks whether a person is experiencing domestic abuse, and that you have to click 'no' to progress to the next stage, and that this can be a traumatic thing for victim/survivors to have to do. She said that without child maintenance payments, she is reliant on food banks.

The participant further stated she is currently going into tribunal with the CMS because her husband was able to claim discounts he should not have been entitled to. She had a minute of agreement saying she is no longer liable for the debt that enables him to claim for discounts. She said there have been delays in getting a court date, and that things have been made harder with how long the wait times are to speak to someone at the CMS. She also

explained that call handlers are not aware of changes to the system and that the system in general is not fit for purpose.

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Theme 3: Role of Government

Refuge space and Fund to Leave

A key issue is the difficulty getting refuge space if you have any resources. Students cannot access refuge, nor can women who work. One of the women said that "some people leave their jobs in order to access refuge or legal aid".

The Fund to Leave pilot was a good scheme, but the budget ran out very quickly. In Glasgow it ran out in six weeks, similarly in Aberdeen. The scheme should be extended. One woman explained how the Fund to Leave was not available at the time she was leaving her abusive relationship, but that it would have been helpful.

Government should be part of the solution, not part of the problem.

"Lots of loopholes in systems for people to continue abuse".

Awareness raising

Properly funded awareness raising, amongst professionals as well as the public, of economic abuse was cited as a priority by several participants. It was also suggested there should be an emphasis on the fact that domestic abuse can happen to anyone.

Single point of contact

Participants also stated it would be good if people fleeing abuse did not have to recount their story over and over again, which they are often forced to do when seeking legal and financial help, and that a single point of contact would be useful: "you're at your lowest low when it is happening".

Third sector and local authorities

Participants indicated that, while third sector organisations can be very helpful in helping people to survive, local authorities are not always so helpful. An example of Highland Council was given, because it was explained that the Council is trying to force through changes in terms of funding which would negatively affect service delivery. It was stated the Scottish Government should step in and say the services are vital.

Theme 4: Advice and Information

Lack of complete information

It can be difficult to get the right advice in a trauma-informed way. Often advice can be too generic – e.g. Citizens Advice, or StepChange. Few services had the breadth of knowledge of all relevant issues combined with an understanding of the context of financial and economic abuse. One exception was Financially Included, who are based in Glasgow, they are “a tiny team” but “amazing”. They understand the dynamics of domestic abuse and have specialist knowledge across the whole range of relevant issues.

One person explained that you may not even know all the types of abuse you have been subject to until you get more information, and that some are not even aware they are being economically abused. Another said there are issues with ‘signposting only’ services.

Searching online sometimes brought up information that was focused on England and Wales. It can be difficult to find the correct information for Scotland.

One woman was referred to her local woman’s aid group by the police, which she said was helpful. Scottish Women’s Rights Centre was described as having a good website, but not so good on the phone, with very long wait times to speak to someone, and unclear opening hours. It was also suggested there needs to be upskilling for those answering calls, and more funding from the Scottish Government to increase call handling.

Regulation

The lack of help offered by the Scottish Legal Complaints Commission (SLCC) was cited. It was felt that the SLCC are not interested in domestic abuse cases, even when there are breaches of conduct, that those who want to challenge firms over issues such as conflicts of interest had no recourse, and that pursuing this often does not even seem worth it.

While one participant explained that the government has promised reforms, there remain questions around how firms will be compelled to take on cases they do not see as financially viable.

Theme 5: Equally Safe

Members of the group were aware of the strategy, but did not think it was being implemented consistently across all local authorities.

Theme 6: Police

Lack of training amongst officers

There was a strong feeling in the group that police officers did not understand economic or financial abuse or coercive control. One person felt she was educating officers with the information that she had researched herself.

In one participant's experience, because the ex-partner was being charged with a criminal offence related to physical abuse, the police didn't seem interested in other illegal behaviours. It was also difficult to get them to accept evidence of coercive control – such as text messages. It is difficult to demonstrate evidence when there is no understanding of coercive control tactics.

Civil versus criminal cases

One woman explained how her husband was able to make changes to their joint mortgage, then take a mortgage holiday, even though he didn't need to, given his very high salary. This impacted her credit score. He was able to imply her consent simply by ticking a box. When she approached the police about this, they said it was only a civil matter, as he had not actually forged her signature. The husband also took out loans and credit cards without her knowledge.

Theme 7: No Recourse to Public Funds (NRPF)

One of the participants emphasised that the processes governing NRPF and domestic abuse are “dangerous and unfair”, and that those seeking support are told they cannot even access basic support like signposting or phone services.

It was also noted that accessing housing for single women with NRPF “can be almost impossible”, and that some grassroots organisations are often also supporting men and are therefore not suitable for a woman fleeing domestic abuse.

It was further explained that victim/survivors with NRPF must survive on very little money, lacking basic necessities such as food and toiletries. Many will also find it hard to process any trauma associated with domestic abuse if they are not in safe and settled accommodation and are instead in temporary accommodation as dictated by the Home Office.

Theme 8: Debt

One woman explained she was coerced into taking on debt as well as switching to an interest only mortgage. This meant when the mortgage term ended there was not much money to start again.

Other issues

Psychological and long-term impact of financial abuse

The group members emphasised the long-term nature of economic and financial abuse and coercive control. It doesn't stop when the relationship ends. It can go on for years, particularly if there are children.

One said she wasn't prepared for that, she thought leaving would be the hardest part, “but I didn't have any (resources) for years.”

Another said she became a “shell of a woman” and felt timid and easily gaslit. The impact of being unable to find a good solicitor compounded these feelings.

One participant explained, that out of everything she had been through, the financial abuse was the worst part, as she had not been allowed to work, or to have savings or a pension. Comparatively, her ex-partner was able to move between legal firms, wasting time and money because he could afford it.

“Coercive control and economic abuse leaves scars”.

One woman commented trying to get help put her into a “survival, fight or flight” mode.

Fund to Leave – response from Scottish Government sought

Scottish Women’s Aid have shared the evaluation and proposal with the Scottish Government colleagues “a while back” and are awaiting a response.