

SPICe

The Information Centre
An t-Ionad Fiosrachaidh

Social Justice and Social Security Committee

15th Meeting, 2025 (Session 6), Thursday, 15 May

Inquiry into financial considerations when leaving an abusive relationship

Introduction

This is the final stakeholder evidence session in this inquiry. Today's focus is on social security and public debt.

The Committee will hear from:

- Lynne O'Brien, Chief Officer for Children and Families, Aberlour
- Kirsty McKechnie, Early Warning System Project Manager (Scotland), Child Poverty Action Group Scotland
- Erica Young, Senior Policy Officer (Social Justice), Citizens Advice Scotland

Background

The inquiry

The Committee is holding an [inquiry into financial considerations when leaving an abusive relationship](#). The Committee's 'call for views' ran from December 2024 to February 2025 and received 58 responses. The [responses are available on the inquiry webpage](#).

The call for views asked about the extent to which financial barriers are considered; in government strategies, in the advice and information available around domestic abuse and in relation to rules and practices in managing public debt, social security and legal aid.

Call for Views

Key themes from the Call for Views in relation to social security and public debt included:

- There needs to be **training/guidance** for public sector staff on recognising and taking into account financial and economic abuse.
- Abusers can use social security, legal aid, child maintenance, debt etc as a way of continuing abuse for years after a relationship ends by **manipulating these systems**.
- There is mixed practice across local authorities on **rent arrears and council tax** arrears, but generally strong concerns about practices for dealing with council tax debt.
- Although there are some **flexibilities in social security rules** to take account of, for example, claiming for two houses when leaving an abusive partner, these do not go far enough and it can be difficult to provide the required evidence.
- There are particular vulnerabilities for people subject to immigration control – particularly those with **no recourse to public funds**, as fears around visa issues can make people more vulnerable to abuse.
- **‘Split payments’** should be available in Universal Credit by default (i.e paying the benefit into separate bank accounts so that one partner doesn’t hold the entire payment).
- Policies which restrict social security such as the **two-child limit, the five week wait for Universal Credit and the benefit cap** reduce the financial help available. The written submission from DWP sets out the UKG position on these issues. The UK Government intends to review Universal Credit and ‘will set out the details of this in due course.’

The submission from Scottish Women’s Aid described ways in which an abuser can use social security to perpetuate their abuse.

- Withhold benefits intended for the victim-survivor and their children.
- Falsely report victim-survivors for benefit 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.

A more detailed [summary of the Call for Views](#) is available on the inquiry webpage.

The Committee also heard views from **Scottish Women's Aid 'Survivor Reference Group'**. A [note of this meeting is available on the inquiry website](#). The Child Maintenance Service was a key issue for this group which found dealing with CMS very difficult. The CMS has submitted written evidence to the Inquiry as part of the DWP's submission.

The Committee **visited Financially Included** on 25 April. Issues discussed included:

- The high proportion of debt that was public debt – particularly council tax arrears.
- The system for dealing with council tax debt in England and Wales appears to be more flexible.
- That the public sector could learn from good practice on debt enforcement from the private sector. Workers at Financially Included described helpful processes used by some utility companies.

Previous Committee Consideration

On 1 May, points raised on social security included:

- A wide range of agencies and services need **training and awareness raising** on responding to signs of economic and financial abuse a trauma informed way (Lyndsay, 1 May, 9.06am) Different agencies have different evidence requirements for economic abuse. Greater consistency, and a Code of Practice would help. (Stuart Duffin, 1 May 9.23 am)
- Those with **no recourse to public funds** are directed to social work as councils can't provide accommodation under homelessness legislation. Members were referred to the [legal briefing published by FairWay Scotland](#) making recommendations for Scottish Government action on preventing 'destitution by design'. (Last week members agreed to write to the Scottish Government on this topic).
- The **'Fund to Leave'** pilot was very effective, and should be introduced on a permanent, nationwide basis. (Jenn Glinski, 1 May, 9.46am)
- Problems with **Universal Credit** include the 'five week wait', having to pay back advance payments and paying into a single bank account. (Jenn Glinski, 1 May, 9.47am)
- Social security **decision making** should be expedited where domestic abuse is identified (Lyndsay Clelland, Age Scotland, 1 May, 9.58am)
- The **Scottish Welfare Fund and Discretionary Housing Payments** were described as excellent funds, but budget limited, and there is not always good awareness of DHPs as an option. It was also noted that SWF applications

are often online, which means they can be difficult to access. (Viki Fox, All in for Change, 1 May, 10.32 am)

Social Security rules on domestic abuse

Examples of the way in which DWP social security rules take domestic abuse into account include:

- Universal Credit:
 - an 'advance' of up to 100% of expected entitlement.
 - 'work related requirements' can be suspended for 13 weeks. (26 weeks if you are the 'responsible carer' of a child).
 - You can apply for payments to be split into two bank accounts – known as 'Alternative Payment Arrangement'
- Housing Benefit and Universal Credit Housing Costs can be claimed for two homes for up to 52 weeks if away from home due to fear of violence and you intend to return (4 weeks if you do not intend to return). Housing support for refugees is exempt from the Benefit Cap.
- Exemption from the 'bedroom tax'/spare room subsidy if you are not living at the same address as the abuser and your home has additional security installed under a 'sanctuary scheme' and you provide relevant evidence from someone acting in an official capacity.
- Exemption from the shared accommodation rate in the Local Housing Allowance. This enables victim/survivors to get the higher 'one bedroom rate' if they would otherwise only be eligible for the shared accommodation rate of help with a private rented tenancy.
- The Migrant Victims of Domestic Abuse Concession (MVDAC) enables people who have leave to enter or remain as a partner on certain immigration routes to gain access to public funds for 3 months following a relationship breakdown with their partner due to domestic abuse. In February 2024 this was extended to include victims of domestic abuse who have leave to enter or remain as the partner of a worker, student or graduate, in addition to those on spousal visas.

[DWP guidance \(2024\)](#) sets out the help available.

A written submission from the DWP was circulated to members on 7th May.

Social Security Scotland benefits include a [higher rate of Best Start Grant](#) if forced to leave home due to domestic abuse. A written submission from Social Security Scotland was circulated to members on 7th May.

For more detail on financial help available see: CPAG Scotland: '[Financial help for families fleeing domestic abuse](#).'

Public Debt

The UK Government's 'Fairness Group' has produced an '[Economic Abuse Toolkit](#)' "to help public sector bodies who are recovering debt. It aims to help them understand, identify and support people who may have experienced or may be experiencing economic abuse." It suggests that organisations "may wish to consider how its recovery processes could support an individual experiencing economic abuse.", Examples include:

- Payment breaks
- Requests about communication and addresses to use
- Recognise that in setting up payment plans that a victim survivor may not have full access to the income they are shown to have.

Social Security Scotland Debt

Social Security Scotland does not currently do enforced deductions to repay overpayments. Their 2023-24 annual report explains:

"There are plans to support deductions from ongoing benefit awards when clients have failed to agree repayments. We cannot introduce a policy of enforced deductions until the appropriate service design and process for redeterminations and appeals have been finalised." (Annual Report p. 39).

A redetermination and appeals process for liability for overpayments is provided for in the Social Security Amendment (Scotland) Bill, passed on 3 December 2024.

DWP Debt

Following the UKG spring budget the [maximum deduction from UC is now 15%](#) of a client's standard allowance. (This was originally 40% but has since been reduced to 30% in 2019, 25% in 2021 and now 15%). In addition to repaying social security overpayments and Universal Credit advance payments (used to bridge the 'five week wait' between application and first payment), deductions can be made to repay other debts such as utility, rent or council tax arrears. For further detail see: [House of Commons Library 'Universal Credit deductions](#)'. The written submission from DWP states: "stopping deductions would result in a build-up of arrears of the range of debts a customer has and stop vital obligations, such as, court fines and child maintenance being paid."

Council Tax Debt

Council Tax debt is a joint liability. This means the council is entitled to pursue payment for the whole amount from anyone named on the bill. It is also possible, in certain circumstances, to be liable for council tax even if you don't live at a property.

Missing a council tax payment can trigger a summary warrant (an expedited court procedure for debts to certain public bodies) with a 10% surcharge on the debt, Councils are the main users of bank and earnings arrestments. Council tax debts can be pursued for 20 years.

In England councils have 6 years in which to bring a court action (limitation period), but unlike in Scotland where obligations are extinguished (prescribed) after 20 years, there is no time limit in England on the obligation to comply with a court order. (For the concepts of prescription and limitation see [SPICe briefing \(2018\)](#)).

The [Scottish Government are funding](#) Citizens' Advice Scotland to work with local authorities to support good practice in Council Tax Debt. The project was previously available in nine local authorities and in March was extended to the whole of Scotland.

[Council Tax Reduction](#) can help avoid debt by reducing the amount due. Like Housing Benefit, it allows someone to claim Council Tax Reduction on a home they are not occupying, or on two homes at the same time, where they have left their main home due to fear of violence. There are also various discounts available, such as the single person discount which reduces council tax liability.

Social Landlords – rent arrears

The Housing (Scotland) Bill requires that where the social landlord considers that a tenant has experienced or is experiencing domestic abuse and this explains or partly explains the rent arrears, the social landlord:

- must take such action to support the needs of the tenant arising in connection with rent arrears as the landlord considers reasonable having regard to its domestic abuse policy
- must provide the tenant with details of such other support that may be available to the tenant in relation to domestic abuse. In this context, “domestic abuse” means abusive behaviour within the meaning of section 2 of the Domestic Abuse (Protection) (Scotland) Act 2021.

Themes for discussion:

Theme 1: Public Debt

In their submission Aberlour call for: “urgent and compassionate reforms to public debt management.” They describe their Tayside Pilot, which provides an alternative approach to public debt recovery. They note that:

“we are working to support local authorities in other areas to engage with and adopt learning and practice.

In the Call for Views and in the Committee’s visit to Financially Included there was a particular emphasis on council tax debt.

Citizens' Advice Scotland state that Local Authorities' practice is varied, with some councils willing to write off council tax debt, if proof of domestic abuse is provided. They note that:

“CT is one debt which continued to link the victim/survivor to their abuser due to joint liability.”

One method used for debt enforcement is a bank arrestment which is mainly used by local authorities to recover council tax debt. The minimum balance that must be left in an account is currently £1,000. Citizen's Advice Scotland describe how victim/survivors save up in advance in order to plan to leave and therefore the current minimum balance is too low. They say:

“this could stop a victim survivor leaving their abuse and potentially risk their lives.”

They recommend that the expected [review of bank arrestments](#) should consider 'fund to flee' type grants in addition to looking at how to protect social security payments from being given to a creditor. A [consultation is expected later this year](#).

In their submission, Govan Law Centre describe the discretion councils in England and Wales have to provide reductions in council tax liability.

“the Local Government and Finance Act 1992 contains provisions for allowing local authorities to consider discretionary applications for Council Tax relief in England and Wales (s13A). However there is no equivalent of s13A in relation to Scotland. The inclusion of a similar provision for Scotland would allow Local Authorities the power to provide relief or write-offs of council tax arrears to a person who may have accrued them as a direct result of financial abuse.”

Members may wish to discuss:

- 1. How can we ensure consistent good practice in the way economic and financial abuse is taken into account when pursuing public debt? What does that good practice look like?**
- 2. In witnesses' experience, can council tax debt be written off for victim-survivors of domestic abuse and how does the approach vary between different Local Authorities? Is there need for legislative change in this area?**

Theme 2: Universal Credit:

Respondents to the Call for Views called for the removal of the two-child limit, the five week wait and benefit cap. On 1 May witnesses also discussed debt caused by Universal Credit advance payments.

Conditionality

Govan Law Centre describe how:

“Benefit sanctions are also more likely to arise for women experiencing domestic abuse, whether because they are unable to work or unable to attend appointments or interviews due to a controlling partner. Although there are some protections in place, such as a short exception from work-related requirements for 13 weeks, victims are often not aware of the exceptions and even when they are, they are expected to provide evidence and to attend appointments and interviews during this period, which is often an impossible barrier to overcome.”

In their submission CPAG discuss how the conditionality rules are too strict, the evidence threshold is too high and many are unaware that flexibilities exist.

Citizen’s Advice Scotland recommend that:

“the DWP must implement increased flexibility regarding breaks from conditionality. There should also be increased flexibility with the evidence requirements in cases of domestic abuse. This should be accompanied by a proactive use of trauma informed approaches and coercive control awareness.”

The DWP submission describes how they require written evidence from a person acting in an official capacity, provided within one month for the full 13 week domestic abuse easement to apply. (Further detail in the submission).

The written submission from the DWP described how:

“DWP staff are trained to recognise different forms of domestic abuse, including economic abuse. We are exploring ways to integrate a Trauma Informed Approach into our service.”

Split payments

Several respondents to the Call for Views recommended ‘split payments’ by default, including Citizens’ Advice Scotland, Scottish Women’s Aid and Glasgow Violence Against Women Partnership.

Split payments are currently available to be applied for in exceptional circumstances, including where there is domestic abuse.

CPAG pointed out that raising an individual claim for Universal Credit would alert the other partner, and in the Call for Views, one individual raised the general issue that basing means-tested social security on household rather than individual finances ignores how that could enable abuse. Govan Law Centre made a similar point, saying:

“Generally, Universal Credit is assessed on the basis of household income. This is detrimental to women experiencing financial abuse as that income is often inaccessible to them. On paper, the woman is ineligible for universal credit on the basis of her partner’s income, though in reality she has limited or no access to this source of income leading to control or destitution.

In practice, Universal Credit claims are automatically paid into a single joint account when it is a joint application. This gives perpetrators of financial abuse sole control of the household’s monthly benefit income. A victim of financial abuse would have to request an alternative payment arrangement to split the UC payments between her and her partner. This places the onus on the victim/survivor to request split payments which would be challenging in the context of experiencing domestic abuse.”

The Scottish Government has legal powers to alter the way Universal Credit is paid – including paying into more than one bank account. Split payments by default have been a [Scottish Government policy aim since 2016](#), but cannot be implemented without changes to DWP computer systems. In the DWP system it is possible to apply for ‘split payments’ through an ‘Alternative Payment Arrangement’, but this is very unusual. There were nearly 80,000 couples getting Universal Credit in Scotland in November 2024. Of these, there were 15 households getting ‘split payments’. The figure for the UK as a whole was: 324 (StatXplore)

In a [letter dated 3 April 2024](#), the Cabinet Secretary for Social Justice explained how the Scottish Government was, at that time, waiting for the DWP’s impact assessment of the policy proposal which was sent on 27 October 2023. She said:

“The Scottish Government remains committed to doing all it can to introduce split payments for Universal Credit, however we will only be able to answer to the feasibility of the policy once we have a completed impact assessment from the DWP. Officials remain in close contact with DWP but do not have a timeframe for the completion of the impact assessment.”

The letter includes policy details and a note of consultation. More recently, PQ S6W-36671 answered on 2 May 2025 re-iterated that delivery is reliant on the DWP:

“The delivery of split payments to joint Universal Credit households is reliant on the ability of the DWP to adapt the UC system to facilitate the policy. The Scottish Government continues to work with the DWP to consider the steps required to deliver the policy.”

One practical complication in implementing changes has been the ongoing move from legacy benefits to Universal Credit. [This is due to be completed by March 2026](#).

Members may wish to discuss:

- 3. In some circumstances, victim/survivors can be exempt from sanctions. How well do these exemptions work and how could they be improved?**
- 4. Splitting UC payments by default has been discussed for many years. Now that the 'move to UC' is almost complete, where would it rank in your priorities for change to the Universal Credit system?**

Theme 4: Social Security Scotland

In the Call for Views there was less discussion of Social Security Scotland compared to the DWP. One suggestion, made by CAS, was that an application for Carer Support Payment (and Carer's Allowance) should require the involvement of the cared for person. They argued that not doing so:

“could facilitate financial abuse and make it more difficult for women to achieve financial security if they leave the relationship.”

In their written submission, Social Security Scotland explained that:

“A cared for person will be notified of their carer's application, with information on how they can contact us if they any have concerns about this. There is no specific action required at that stage by the cared for person, however they can contact us at any point to dispute an award. Where the person listed on the application contacts us to dispute that the applicant is caring for them, we have processes in place to investigate the dispute which will take safeguarding procedures into account where necessary.”

CAS also described how the process of moving benefits into the victim/survivors name can be difficult. One victim/survivor described moving child related benefits as “overwhelming”.

Similarly, the submission from Edinburgh Council states that: “the processes of claiming Child Benefit (from HMRC) and Scottish Child Payment need to be easier and clearer.” They note how “non-cooperation by the original claimant can cause delays to victims being able to receive payments.”

Financially Included provided a case study, explaining how Social Security Scotland benefits took a long time to sort out.

“Women A separated from an abusive partner who had been claiming all the benefits for the household. We supported woman A to contact child benefit to make a new claim, their process is to immediately suspend the claim pending investigation as to who the children are residing with, this means that the perpetrator is not receiving payments and when the DWP made the decision the money was backdated to Woman A. This still left woman A with a period of reduced income for her children for almost 3 months. For the child's Child Disability Payment and Scottish Child Payment this process took much longer

with the perpetrator receiving a number of payments which he fraudulently kept for himself, the resolution also took almost 1 year which left woman A in destitution for this period.”

The submission from South Lanarkshire Council describes how:

“disputes can arise as to who has the main responsibility for looking after the child. Although there are procedures in place for investigating and resolving these disputes, they can take time to resolve and in the meantime, the parent with the child can be left without that source of funding.”

In written evidence, David Wallace, Chief Executive of Social Security Scotland set out that there is mandatory learning on child responsibility for all frontline colleagues and:

“In cases where there is a responsibility dispute, we require information from both parties, which they are asked to provide within 28 days. The evidence is thoroughly reviewed to ensure the correct decision and payment is made as early as possible. Due to the complex nature of some of these cases, advice may be sought from specialist policy and legal teams to ensure the decision is in line with our regulations.”

Social Security Scotland’s written evidence also described how:

- Improvements to the process for approving appointees are intended to help prevent financial abuse of those in receipt of disability benefits. (These changes were made in [Part 5 of the Social Security Scotland \(Amendment\) \(Scotland\) Act 2025](#)).
- When clients forced to leave home due to domestic abuse apply for the additional amount of Best Start Grant, they are not asked for any information about their experience or asked to verify it.
- Social Security Scotland is “committed to integrating a trauma-informed approach throughout our organisation. Trauma awareness is included in our induction programme, and we have staff trained to expert level.”

Members may wish to discuss:

- 5. How good is Social Security Scotland at recognising and responding to evidence of economic and financial abuse, particularly when dealing with ‘competing claims’ for benefits such as Scottish Child Payment?**

Theme 5: Other financial support

In addition to the main social security benefits, other financial support can be available from local authorities and the third sector.

Aberlour's submission refers to their urgent assistance fund which has awarded £3.3 million to children and families across Scotland. Since 2023, 25% of applications have been from families with experience of domestic abuse.

The main forms of local authority discretionary support are the Scottish Welfare Fund (providing crisis grants and community care grants) and Discretionary Housing Payments. The Scottish Government recently published [updated guidance on the Scottish Welfare Fund](#). [Guidance on Discretionary Housing Payments](#) was published in 2024 and [updated last week](#). The [SPICe paper for 1 May](#) describes how these address domestic abuse.

Some local authorities also have additional funds. The submission from Fife Council notes that:

“within our area the Welfare Fund sometimes takes a lot of time to provide funding for furniture / carpets etc. This can hold up women from leaving their current situation.” [...] Financial challenges for women are so great that we as a Council have developed our own small funding pot to facilitate the types of things that help women move e.g. help with removal costs, covering storage costs etc”.

Aberlour state that budget constraints have restricted the help available through the Scottish Welfare Fund. This means that: “survivors are having to turn to charities such as Aberlour to meet both their own and their children's needs.”

CPAG state that:

“Moves into permanent accommodation from temporary accommodation or refuge are often delayed due to long processing times for Community Care Grants for household essentials.”

(In 2023-24 [84% of Community Care Grant applications were processed within the target time of 15 working days](#).)

CPAG point out the very limited help available for deposits and rent in advance. Discretionary Housing Payments are available for this purpose, but only to those already in receipt of housing benefit or Universal Credit. The [DHP guidance](#) states that:

“2.5 At their discretion, LAs may award DHPs for non-welfare reform reasons, such as for rent in advance, deposits, and removals costs. However, it should be noted that the LA may provide these types of support through other mechanisms.”

Persons subject to immigration control

The submission from CPAG discusses the restrictions for Persons Subject to Immigration Control (PSIC) (which includes those with no recourse to public funds (NRPF)).

The Scottish Welfare Fund is a ‘public fund’, which means it is not available to those with NRPF but is available to PSIC. CPAG recommend that the Scottish Welfare Fund guidance should make this distinction clearer.

CPAG’s submission describes how those with NRPF can be supported by local authorities under social work legislation, specifically s.12 Social Work (Scotland) Act for vulnerable individuals and s.22 Children (Scotland) Act.

CPAG recommend that:

“specific guidance should be developed in relation to supporting PSICS and people with NRPF who are escaping domestic abuse.”

Also discussed on 1 May was the ‘fund to leave’. CPAG worked with Scottish Women’s Aid and the Scottish Government to develop the Fund to Leave pilot. One advantage of the fund was that it was available to those with no recourse to public funds.

The [Programme for Government](#)’s commitment for an integration support service may also be relevant to ensuring those with NRPF get support.

“Establishing, through a multi-year procurement, a new Integration Support Service, ensuring refugees, people seeking asylum and other forced migrants living in our communities can access the support they need when they need it, within the scope of devolved competence.”

Members may wish to discuss:

- 6. How effective are Discretionary Housing Payments and the Scottish Welfare Fund in supporting people to establish a new home when leaving an abusive relationship?**
- 7. What can the Scottish Government do to maximise the support available to People Subject to Immigration Control, particularly in the context of domestic abuse?**

Theme 6: Child Maintenance Service

The Child Maintenance Service was a key issue for the Scottish Women’s Aid Survivor Reference Group. They described experiences of:

- Not being able to discuss their case with a case worker
- Staff not understanding how an ex-partner was manipulating the system and making false claims

The CMS provided written evidence to the Committee (included with the DWP submission). This set out the arrangements for:

- 'direct pay', where payments are arranged between parents based on a CMS calculated payment schedule
- 'collect and pay' where payments are made to CMS who pass the money on to the receiving parent.

It also set out enforcement action they can take. If parents disagree with a CMS decision there is a mandatory reconsideration, appeals and complaints process.

"The CMS to complaints prioritises support for the most urgent work and most vulnerable clients"

It set out various safeguards including:

- For those parents using the Direct Pay service, there are several secure ways to receive maintenance directly without having to divulge sensitive personal details, including for victims of domestic abuse and other vulnerable parents.
- The CMS can advise parents on how to set up bank accounts that cannot be traced to a physical location which helps to protect the parent's location.
- The CMS will signpost to supporting organisations and has clear steps to follow in order to support customers experiencing abuse.
- Caseworker training on domestic abuse was updated in 2023. A two-yearly refresher training for all colleagues has been agreed.

The submission set out upcoming changes to CMS which aim to make services safer for victim/survivors. These include a 2024 consultation on removing the Direct Pay service. A government response to the consultation is expected in June 2025.

Members may wish to discuss:

- 8. What are witnesses views on the effectiveness of the Child Maintenance Service, particularly in the context of domestic abuse?**

**Camilla Kidner
SPICe
10 May 2025**