

## **Scottish Parliament Welfare Reform Committee inquiry on Women and Welfare Reform Scottish Women's Aid submission May 2015**

### **Introduction**

Scottish Women's Aid welcomes the opportunity to contribute to the Scottish Parliament's Welfare Reform Committee inquiry on Women and Welfare Reform. Our submission is informed by our member's experiences of the devastating impact of welfare reform on the women and children they support.

"A Widening Gap: Women and Welfare Reform,"<sup>1</sup> a joint report produced by Engender, Scottish Refugee Council, Scottish Women's Aid, Close the Gap and Scottish Council for Voluntary Organisations sets out the grossly disproportionate impact of welfare reform on women and demands a gendered response that takes into account the complexities of women's lives. A response that strategically links interrelated policy areas such as women's employment, health, housing, social care, childcare and violence against women. We believe that this inquiry provides an important opportunity for the Welfare Reform Committee to respond to this demand and ensure work on welfare reform is coherently connected to devolved areas of government policy that tackle gender inequality. We believe that analysis of budget processes on welfare is essential to achieving this and support Engenders call on the Committee to scrutinise the Scottish Government's budget and policy processes around welfare reform to ensure that women's equality, human rights and dignity are the driving principles of all government action on welfare issues.

### **Impact of changes to the benefits system on women and children who experience domestic abuse**

Domestic abuse is both a cause and consequence of women's inequality. This policy position has been supported by successive Scottish administrations since devolution, policy to address domestic abuse and other forms of violence against women cannot happen in isolation from broader work to tackle women's inequality. This is embedded in Equally Safe<sup>2</sup>, the Scottish Government's strategy on violence against women and girls which makes an explicit commitment to addressing gender inequality as a significant route towards preventing and eradicating violence against women and girls.

Women experiencing domestic abuse face considerable barriers when trying to leave an abusive partner, many women experience financial abuse and are denied access to independent income, are prevented from working and are encumbered with debt.<sup>3</sup> Access to financial support, provided by the social security system is therefore crucial in supporting women to be able to leave an abuser. The cumulative impact of reforms to the welfare system have acted to further reduce women's financial autonomy, resulting in increasing poverty and insecurity for women and their children and creating increased risk of women and their children remaining with or returning to the abuser.

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<sup>1</sup> Engender (2015) A Widening Gap: Women and Welfare Reform

<sup>2</sup> Scottish Government (2014) Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls

<sup>3</sup> Women's Aid (2015) Unequal, Trapped and Controlled

**Universal Credit**, which replaces benefit payments paid separately to each member of a couple, with a single monthly payment to one claimant in the household will further increase the opportunity to create financial dependency. The devolution of some powers over welfare, particularly in relation to Universal Credit offers the Scottish Parliament the potential to better support women experiencing domestic abuse, by varying the single householder and monthly payment arrangements, which undermine women's safety.<sup>4</sup>

## **Impact of specific changes and challenges**

### **Process and delays**

Changes to both benefit entitlements and claims processes have severely affected women who have experienced domestic abuse, failing to take into account the impact of domestic abuse on women's physical and mental health, confidence and self-esteem, need for safety, a place to live and responsibilities for childcare.

For women claiming benefits challenges exist across the system; these start from the inherent difficulties in making a claim as a result of the change to an online system. While 'vulnerable' claimants can make claims by phone – in practice they are discouraged from doing so. The complexity of the system results in delays and gaps in payments, this particularly impacts on women who have left an abusive partner and apply for benefit to be transferred to her name or when transitioning from one benefit to another. It takes on average 16 weeks for child benefit, to be transferred and can take up to 42 weeks for EU migrant women. This increases women and children's poverty and a consequent reliance on food banks and the emergency destitution supplies and funds that Women's Aid groups now operate.

*"Delays in claims being processed and sanctions are having a massive impact on women and their children, we are using food banks more regularly than we were previously and we have to subsidise living costs for more women than we were previously required to. In the last year we had to write off just under £3000 in loans provided to help women buy essentials and in unpaid electricity/gas costs as women did not have access to funds."*

Ross-shire Women's Aid

### **EU migrants**

Restrictions to entitlement to benefit for EU migrants are having a devastating effect on women when separating from an abusive partner. EU migrants have to have a "right to reside" to be able to claim means tested benefits. Women whose only right to reside is as a Jobseeker can only claim JSA for restricted periods unless they can demonstrate a genuine prospect of work and since 2014 women whose only right to reside is as a jobseeker cannot claim housing benefit. Lack of entitlement to housing benefit also means that women in this situation cannot access refuge accommodation, as refuges are reliant on housing benefit to cover rental costs. EU migrant women in this situation are therefore not able to get financial support in order to leave an abusive partner or be able to access the safety of refuge.

*"Many women using our service are no longer entitled to housing benefit, whereas they would have been previously. In addition many have had their eligibility to benefits stopped- in the case of income support or ESA, or time limited (JSA). This has meant that nine women presently using our Bilingual support service have been directly affected by these reforms. One woman has already had her benefits stopped and is about to be evicted from her home due to not being eligible for housing benefit. Another woman, who has two children, is also facing eviction proceedings in the near future."*

Perthshire Women's Aid

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<sup>4</sup> Ibid

## **Employment Support Allowance (ESA) and Personal Independence Payments (PIP)**

Assessments for ESA and PIP cause increased stress and anxiety and exacerbate women's pre-existing health problems. These assessments focus on women's ability to complete physical tasks and fail to take into account the impact of domestic abuse on her mental health.<sup>5</sup> Women who have had to move address to leave an abusive partner and register with a new GP are often unable to provide sufficient evidence to support their application. As a result applications are often unsuccessful and women require advocacy and support to make an appeal.

Recent tightening of the of eligibility criteria for ESA also discriminates against women with mental health issues. The Directors of Public Health in Scotland have criticised the new screening system for ESA claimants on the basis that it places additional requirements on women to prove their exceptional level of need, and may put women at risk of self-harm and suicide.<sup>6</sup>

*"I am experiencing trauma, severe depression and anxiety as well as physical conditions I first claimed ESA in 2010, this took almost 15 months to be processed, at this point I was put onto the work related rate until the DWP decided to call me in for another ATOS examination their report stated completely the opposite to what the reality of my condition is. This decision has placed me in an intolerable social and financial situation and only adds to the mass financial difficulties and shortage of income I currently have. Unlike before, the rules now do not allow me to continue to claim even the basic level of ESA, whilst I await an appeal date. I have had to claim JSA of just £71.70 per week instead of the ESA work related amount of £100.15 a shortfall of £28.45, this has severely impacted on me"*

Ross-shire Women's Aid

## **Jobseeker's Allowance and sanctions**

The impact of domestic abuse on women's ability to fulfil job seeking conditions was recognised with the introduction of the Jobseeker's Allowance Domestic Violence Easement (JSA DV easement). This exempts some victims of domestic abuse from job seeking conditions for up to 13 weeks. However women are not routinely informed about the easement despite recommendations made in the DWP's own research.<sup>7</sup> In our survey of Women's Aid workers carried out in June 2014 we found that Jobcentre staff had very little knowledge of the JSA DV easement. Women's Aid workers reported that women were informed about the easement by Jobcentre staff in only 15% of the cases they dealt with. This results in women being sanctioned as they are unable to fulfil job-seeking activities.

*"Last week I supported a woman to make an application for JSA DV Easement over the phone to the DWP, after holding for 30 minutes I was told by the advisor that she didn't know about any DV Easement, she went to check with her Supervisor, who also didn't know about it and told me I would have to phone another number as they couldn't process this claim – causing the woman I'm supporting even more anxiety and distress."*

Glasgow East Women's Aid

Women's Aid groups report that the women they support are sanctioned as they are unable to fulfil job seeking requirements because of the impact of domestic abuse on their health, where is no available childcare, when their children are sick or where they have language or literacy difficulties.

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<sup>5</sup> <http://www.scottishwomensaid.org.uk/sites/www.scottishwomensaid.org.uk/files/ImpactofDAonWomensHealth.pdf>

<sup>6</sup> Changes to ESA will discriminate against women – statement from Scottish Directors of Public Health, March 2015

<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/207907/843summ.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207907/843summ.pdf)

*"A woman we are supporting whose first language is not English was to be sanctioned as the Job Centre Plus felt she was not recording her job search to their satisfaction. We advised the Jobcentre that she was searching but struggled to record the information in a format that met their requirements. If this woman did not have support, she would have been sanctioned."*

Dumbarton Women's Aid

### **Scottish Welfare Fund**

Women and their children who have had to move from their home as a result of domestic abuse are reliant on the Scottish Welfare Fund (SWF) to be able to refurnish a new home. While some of our members report that the SWF has improved how women access community care grants, with less intrusive information required and applications processed more quickly. In many areas our members report that the administration and assessment process of the SWF is challenging for the women they support. Some local authorities require applications to be made online and are reluctant to accept telephone or written applications. Most local authorities provide goods and vouchers, rather than cash payments, removing women's choice in how they furnish their new home and instead are given "institutional furniture". Assessment decisions are often inconsistent and judgemental, with women without children or whose children currently do not live permanently with her, 'allowed' only a single bed, a single chair and carpeting for one room, which women have described as humiliating.

Delays in processing community care grants (CCG) combined with lengthy waits for deliveries of furniture cause difficulties with housing benefit claims. This results in women starting tenancies with rent arrears. As a CCG will not be processed until a tenancy agreement has been signed, but women are unable to move into a tenancy with no furniture and housing benefit will not be paid until she is residing in the property.

**Housing benefit** – the bedroom tax and shortage of one bedroom properties means women have to stay much longer in a refuge. While some local authorities will use Discretionary Housing Benefit (DHP) to cover the cost of an additional bedroom for women leaving refuge, others don't and the continual re-application process also causes uncertainty and additional anxiety rather than the security and stability that women need at that time.

*"Ms E had been in a Women's Aid refuge for 26 months waiting to be rehoused. As a single woman she needed a one bedroom flat and only two bedroom properties were available. Eventually she had to accept the offer of a two bedroom property and was informed by the housing officer that she would be liable for the bedroom tax. She applied for and received DHP but has to re-apply every 3 months and has been told that she may or may not continue to receive it. As a result Ms E continues to feel insecure and anxious and this does not provide any real kind of basis for her to be able to rebuild her life."*

Glasgow East Women's Aid

### **Impact on services**

Welfare reform has had a major impact on Women's Aids already overstretched and under-resourced services.<sup>8</sup> The increased complexity and difficulties of the benefits system, incorrect decisions, the need for online or phone applications, increase in applications for reinstatement and appeals, place more demand on services to support women to navigate and challenge the system. Ensuring women and children's basic needs for food, clothing, rent and heat and light are met takes increasing precedence over dealing with their emotional support needs. Measures to mitigate the impact of welfare reform on women need to ensure that gender sensitive services are properly resourced to respond to this demand.

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<sup>8</sup> Scottish Women's Aid (2014) Measuring the impact of Funding cuts on domestic services for women and children in Scotland

## **Recommendations**

Primary responsibility for welfare reform lies with the UK Government, but there are specific actions that the Scottish Government can take to mitigate the impact on women and reduce the risk of further harm. These are set out in our joint report, 'A Widening Gap', and noted below.

### **Recommendations to the Scottish Government**

1. Develop a clear action plan to mitigate the impacts of welfare reforms on women, which is linked to devolved policy on gender equality, women's employment, social care and childcare.
2. Specifically monitor emerging impacts on rural, disabled, older, migrant, refugee and BME women, lone mothers and unpaid carers.
3. Mainstream gender analysis and human rights in the Welfare Funds (Scotland) Act regulations and guidance and target uptake by women.
4. Ensure the Scottish Welfare Fund respects women's choices and dignity and hold local authorities accountable for delivery of such an approach.
5. Ring-fence funding for community-based women's organisations to provide gender sensitive services relating to welfare reform, as part of a broad shift to strategically link the Equality Budget Statement and the Draft Budget.
6. Invest in employability services for women forced into or out of the labour market as a result of welfare reform, including tailored services for groups such as refugee and disabled women, unpaid carers and former carers.
7. Hold local authorities accountable over the delivery of Discretionary Housing Payments to ensure consistent access to safe accommodation for women.
8. Extend the Domestic Violence Rule to all women subject to immigration controls to ensure EU migrants who have been subject to domestic abuse are able to apply for a Destitution Domestic Violence Concession (DDV).
9. Introduce measures to guarantee that women with insecure immigration status have access to safety and protection where a relationship in which their immigration status is dependent on their partner breaks down.
10. Provide funding to ensure women are able to access refuge accommodation regardless of their entitlement to housing benefit.

### **Devolution of powers over welfare**

11. Embed gender and human rights analysis throughout the process of further devolution, including through the work of the Joint Ministerial Working Group on Welfare or successor body.
12. Improve the quality of equality impact assessments and ensure that they are not post hoc, but shape design of any new legislation and programmes.
13. Consult different groups of women who have been impacted by welfare reforms throughout the design of any new legislation and delivery systems.

14. Hold the UK Government accountable to the Smith Commission Agreement and deliver a Scotland Act that provides for maximum flexibility on employment support and the creation of new benefits.
15. Push for the rollout of Universal Credit and Personal Independence Payment to be halted in Scotland, until the current process of devolution is complete.
16. Push for devolution of administrative powers over Universal Credit to be taken out of primary legislation and expedited to the Scottish Parliament.
17. Use the power to create new benefits to reinstate lost entitlements for carers and parents.
18. Implement the Smith Agreement commitment to consider the devolution of asylum support, advice and housing to the Scottish Parliament, and in so doing, end administrative delays that leave refugee women destitute.
19. Innovate with newly devolved work programmes to support the needs of women seeking work and diverge from existing employability models that replicate gender segregation in the labour market.
20. Use new powers over employment support and benefits to mitigate some of the worst impacts of conditionality, sanctions and services delivered by Jobcentre Plus, where possible.
21. Link new powers over benefits for disabled people and carers to carers legislation and strategy, and review how devolved services impact on women's equality before new powers are taken forward.
22. Use the opportunity offered by the devolution of new powers to reimagine the services needed to better support the groups that they serve.

### **Scottish Women's Aid**

Scottish Women's Aid (SWA) is the lead organisation in Scotland working towards the prevention of domestic abuse and plays a vital role in campaigning and lobbying for effective responses to domestic abuse. SWA is the umbrella organisation for 37 local Women's Aid organisations across Scotland; they provide 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 and follow-on support and temporary refuge accommodation.

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