



**SUBMISSION TO THE DEPARTMENT OF SOCIAL PROTECTION  
PRE BUDGET FORUM  
31 AUGUST 2011**

WOMEN'S AID is a national voluntary organisation offering information, support and access to services for women who are experiencing domestic violence.

Women's Aid has been responding to women experiencing domestic violence for over 35 years.

We operate the National Freephone Domestic Violence Helpline (1800 341 900), which is open 12 hours per day, 7 days a week.

We support women on a one-to-one basis, providing information and support on financial, legal, housing and social welfare matters. We support women through the courts system and provide court accompaniment to them.

We train statutory and voluntary agencies such as community groups, health professionals, Accident and Emergency staff, legal professionals, and frontline staff on identifying and responding to domestic violence.

We lobby for improved legislation and policy to respond to domestic violence and we provide research and information on domestic violence to the media, the public, and key decision makers.

Women's Aid welcomes the opportunity to make a submission on issues relevant to the Department of Social Protection and to participate in your pre budget forum.

**There are three key issues relevant to the Department of Social Protection that are creating barriers for women experiencing domestic violence when trying to access safety:**

1. The Habitual Residency Condition
2. Rent Allowance Scheme
3. Delays in Benefit Entitlement

**The Habitual Residency Condition**

Currently some women escaping domestic violence have no right to work, no right to welfare assistance and no support networks available in Ireland.

Women who leave their partner because of violence, and who do not satisfy the Habitual Residency Condition, may find themselves and their children destitute.

Even refuges may not be able to accommodate them or can only accommodate them for a very short time due to increasing financial constraints on their budgets, as they are unable to financially support women and children for more than a few days. Moreover, medium or longer term accommodation is not available for them, so they cannot move on.

Clearly this impacts on women and children's safety as women feel they cannot leave or, having left, must return to the abuser for lack of financial support and fear of destitution. While this impacts mostly on migrant women, recently returned Irish nationals may also be unable to satisfy the Habitual Residency Condition and therefore may be unable to access welfare assistance.



In recent years Women's Aid has called for the Department of Social Protection to direct Welfare Officers to grant welfare support to abused women regardless of whether they satisfy the Habitual Residency Condition.

### Case study

Maya\*

When Maya first came to Women's Aid, she had been married to her husband for over ten years and living in Ireland for 7 years. She told our support worker of on-going physical and emotional abuse she has suffered from her husband which often took place in front of the children. Maya said that during the last incident of abuse he tried to beat their daughter and she prevented this by standing in front of him. Maya was badly beaten.

Maya and her children left the family home and went to stay in a women's refuge. Unfortunately Maya had to leave as she was refused housing allowance or any social welfare payment. At this point she considered moving back home as she had no financial support. However, with the support of the refuge Maya was put into homeless accommodation with her children. Maya was living in one room with her children and receiving no benefit except Child Benefit. Maya said she felt safe and no money could buy this.

Maya applied to the Family Law Court for Safety and Maintenance Orders. She was refused a Safety Order and granted a very small amount of Maintenance weekly, which her husband stopped paying after a few weeks.

Maya's Women's Aid support worker wrote a letter of appeal to Social Welfare and Community Welfare Officers to ask for a review of their decision.

Maya's situation arose because her husband forced her to return home for a year. She continues living solely on Child Benefit to feed, cloth and bus her children to continue school.

Maya said she can survive any situation in the security that she and her children are safe, and she is looking forward to an abuse free future.

### **Rent Allowance Scheme**

Many women who are experiencing domestic violence have to leave their homes in order to be safe. In fact, in a study carried out by Women's Aid (Making the Links, 1995) the main reason women gave for not leaving violent partners was nowhere to go and lack of affordable accommodation.

Current rent allowance regulations state that a person needs to have been in receipt of rent allowance for 6 months previous, and/or they need to be on a housing transfer or homeless list. This means that women who share ownership of their homes with their partners, or women who have not been receiving rent allowance have no eligibility for rent allowance.

In addition, new regulations within the Local Authorities are making it harder for people to get onto housing lists, and changes in the systems for the administration of rent allowance are leading to time delays on decisions.

At an Oireachtas debate in 2010 the Minister for Social Protection stated that, "Payment of rent supplement does not require the applicant to be on a local authority housing list. Where a claimant's safety and well-being are at risk Community Welfare staff have been provided with special discretionary powers in such cases to expedite the award of rent supplement. In these cases the normal qualifying criteria are waived to ensure the provision of suitable and secure accommodation for the person concerned."

Women who have to leave home due to domestic violence need to be able to access housing.

We call on the Department of Social Protection to grant rent allowance to abused women who have to leave their homes to be safe, and to make all officers aware of their authority to overlook housing authority's regulations in these situations. In addition we would ask that their assessment for rent allowance is treated as a matter of priority.



### Case study

When Aishling\* first came to Women's Aid, she told her Women's Aid support worker that her partner, also the father of her children, was in prison. Aishling said he has been physically abusive towards her throughout their relationship. She told us that he was due to be released from prison soon and she was fearful for her and her children's safety.

Aishling agreed it was in their best interest to move out of the area she was living in and to relocate to an area where no-one knows her, and the Community Welfare Officer agreed to pay her rent allowance. Aishling went to the Local Authority to have her name transferred to their housing list.

Aishling was refused on the grounds she has no connection with the area. Even with intervention from Women's Aid her request was refused meaning she was not eligible for rent allowance. This decision left this family at risk.

### **Delays in Benefit Entitlement**

When a woman leaves an abusive relationship, and where a couple had both been receiving benefit, she must wait 3 months before she can get full entitlement. When full payment is made the shortfall is not backdated. Women who have to leave the home due to domestic violence need to be able to access full entitlement. This will prevent women falling behind on rent and utility bills and getting into debt.

We call on the Department of Social Protection to give full benefit entitlement to women who are switching their benefit having separated due to domestic violence.

### Case Study

Anne\* left her abusive relationship and was lucky to get somewhere to live. Ann has to live on a Adult Dependent Allowance for 3 months, which amounts to about €34.00 per week less than if she was entitled to her own payment.

*\*These case studies are based on real accounts as told to the Women's Aid National Freephone Helpline and Support Services. Specific details and circumstances have been changed in the interests of protecting identity and to preserve the confidential nature of Women's Aid Services.*