

Domestic Violence

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Introduction

A change in a claimant's circumstances could mean work-related requirements need to be temporarily switched-off. There is a specific list of circumstances for when the switch-off can apply. This includes when the claimant is or has been a victim of domestic violence.

What is domestic violence and abuse?

The government definition of domestic violence and abuse is “any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality”. This can encompass, but is not limited to, the following types of abuse:

- Physical: this can include shaking, smacking, punching, kicking, presence of finger or bite marks, bruising, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, genital mutilation or 'honour

violence'. Physical effects are often in areas of the body that are covered and hidden (for example, breasts, legs and stomach).

- Sexual: this can include forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practise safe sex, sexual insults, passing on sexually transmitted diseases or preventing breastfeeding.
- Psychological: this can include intimidation, insulting, isolating the person from friends and family, criticising, denying the abuse, treating the person as an inferior, threatening to harm children or take them away or forced marriage.
- Financial: for example, not letting the person work, undermining efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making the person beg for money, gambling or not paying bills.
- Emotional: this can include swearing, undermining confidence, making racist, sexist or other derogatory remarks, making the person feel unattractive, calling the person stupid or useless or eroding the person's independence.
- Controlling behaviour: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.
- Coercive behaviour: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim
- This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage. It is clear that victims are not confined to one gender or ethnic group.

The switch-off of work-related requirements applies in relation to domestic violence and abuse (actual or the threat of) by the claimant's current or former partner(s), or by certain family members of the claimant, their partner or former partner. Step relatives are also included as family members.

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When a claimant is identified as having issues with domestic violence or abuse

If it becomes apparent that a claimant has been or are a victim of domestic violence:

- explain what assistance can be given to the claimant for example Personal Budgeting Support
- establish if necessary if the claimant meets the criteria to have their work-related requirements switched off

This must be conducted as soon as possible to discuss their circumstances.

Criteria for switching off work-related requirements

Any claimant, in any conditionality regime, who states that they have been a victim of actual or threatened domestic violence and abuse is eligible to have their work-related requirements switched-off as long as:

- the incident of domestic violence and abuse occurred within the previous six months
- the incident meets the definition of domestic violence and abuse
- they are not living at the same address as the abuser
- they have not had a previous domestic violence and abuse switch-off within the last 12 months
- they provide written evidence within one month of notifying Universal Credit

The switch-off period starts on the date the claimant notifies us.

A claimant may notify an incident of domestic violence within 6 months but may not been seen by an agent until after the time limit has expired. In these circumstances the switch-off period will start from the date they first made contact.

For example:

A claimant suffers domestic violence and abuse on 1 January 2013 and informs Universal Credit on 29 June 2013. An interview is booked for 4 July 2013 (more than six months since the incident). In this scenario, the claimant will be treated as having notified Universal Credit on 29 June 2013 and the switch-off will begin on this day.

Relevant evidence

Relevant evidence is written evidence from a person acting in an official capacity showing that:

- the claimant's circumstances are consistent with those of a person who has had domestic violence and abuse inflicted upon them (or has received threats of violence or abuse) during the 6 months prior to the claimant notifying Universal Credit
- the claimant has made contact with the person acting in an official capacity in relation to such an incident, which occurred during that period

A person acting in an official capacity means:

- a healthcare professional
- a police officer
- a registered social worker / Social Care Wales
- the claimant's employer or a representative of their trade union
- any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence and abuse

The claimant must provide their evidence as soon as possible but no later than one calendar month from notification of the domestic violence.

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Switching off requirements

There are some differences in the length of time any switch-off will apply and which work-related requirements must be switched off depending on the claimant. These are as follows:

- all claimants
 - in any conditionality regime, must not have work-related requirements imposed for up to 13 weeks
- a responsible carer of a child, in the Intensive Work Search regime:
 - must not have work search and availability requirements imposed for a further 13 weeks (bringing the total up to 26 weeks)
 - after the first 13 weeks, claimants should be offered voluntary review to see whether they want to take up the offer of work-related support on voluntary basis
- a responsible carer of a child, in any conditionality group:
 - should not have any work-related requirements imposed for 26 weeks
 - any requirements undertaken must be on a voluntary basis and no sanction should apply within this 26 week period if a claimant does not undertake any work-related requirement

As well as switching off requirements for domestic violence and abuse, a responsible carer of a child may also be eligible for further periods where work search and availability requirements are switched off due to their child being in 'considerable distress'.

Child distress

The child distress provisions mean that work search/availability must be switched-off where the responsible carer's ability to fulfil work-related requirements is impacted by their child's distress. Agents will have the discretion to tailor other requirements.

Requirements should be switched-off for an initial period of one month, with further tailoring of conditionality afterwards if needed.

Claimants can be considered for this switch-off once every six months for a period of two years from the incident of violence or abuse (with any switching-off of requirements due to domestic violence or abuse being incorporated into this).

Claimants should not be sanctioned for not fulfilling any work-related requirements during the period of the switch-off.

Claimants should be encouraged to provide evidence of the impact of the child distress, but there should be flexibility over this, particularly the first time a claimant accesses the provision.

If the claimant is not eligible to have their work-related requirements switched-off because of domestic violence or abuse, they may still be eligible to have work search/availability requirements switched off under the 'child distress' provisions. This would be for four, one month, periods (one for each six months over the next two years) because their child is in considerable distress, with tailoring of requirements outside of these time periods.

See Child in considerable distress.

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Waiting days

For the impacts of domestic violence on waiting days see waiting days guidance.

Supporting victims of domestic violence

If the claimant has access to the Internet, they should be signposted to the [GOV.UK](#) website to enable them to get the expert help and advice they need. Details can be printed from the site and issued to the claimant as appropriate.

The following is a list of organisations available that may be able to assist the claimant:

- The National Domestic Violence Helpline – is run jointly by Women's Aid and Respect and is a 24 hour, free phone national service (claimants can contact the National Domestic Violence Helpline on: 0808 2000 247 or <http://www.nationaldomesticviolencehelpline.org.uk>)
- Broken Rainbow – provides information, advice and support to gay men, lesbians, bisexuals and transgender populations who may also being affected by domestic violence and abuse (claimants can contact Broken Rainbow on 0303 999 5428
- The National Stalking Helpline - provides guidance and information to anybody who is currently or has previously been affected by harassment or stalking (claimants can contact the National Stalking Helpline on 0808 802 0300 or e-mail <mailto:advice@stalkinghelpline.org>).
- Male Advice (and Enquiry) Line - offers help to male victims of domestic violence and abuse and advice to perpetrators (claimants can contact the Men's Advice and enquiry line on: 0808 801 0327 or at www.mensadviceline.org.uk).
- RESPECT - offers information and advice to people who are abusive towards their partners and want help to stop (claimants can contact respect on: 0808 8024040 or <http://www.respect.uk.net/>)

This is not a complete list

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