# FINANCIAL ABUSE GUIDANCE AT A GLANCE

## Domestic Violence and Abuse is...

"Threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member."(The Government Strategy Stopping Domestic & Sexual Violence and Abuse in Northern Ireland)

Non-violent forms of domestic violence and abuse can be just as damaging as physical violence; financial abuse is one such form.

## Financial Abuse is...

A means of controlling a person's money and resources with the intention of increasing their dependency on the other person. Financial abuse can take many forms including -

- Controlling money
- Withholding money
- Misspending money - gambling/ drinking etc
- Restricting Access to money for necessities
- Having to explain every expenditure
- Forced into debt/ running up debt in your name
- Forced to take responsibility for all the finances
- Preventing you from earning your own money
- Forcing you to be fraudulent
- Not allowing benefits to be paid in your name

This guidance aims to help you if you are experiencing financial abuse.

## Separating from your partner

### Create an escape fund

Preparing an escape fund can help you financially - safety comes first so do not do anything that may make your partner suspicious. Family, friends, the bank or even employers may be able to help with suitable arrangements.

### Investigating your options

It can help to find out your financial options if you were to leave your partner - Citizens Advice can help with benefits information.

### Bank Accounts

If opening a bank account that your partner is unaware of, be aware that most banks will send information to your home address. It may be safer to do this after you have left your partner.

### Financial Information you might need

If you can do so, safely gather together financial documents which will be helpful for accessing benefits and employment. These can include:

- Bank statements
- Information on your mortgage/ tenancy
- National Insurance Number
- P45s or P60s
- Information on any benefits you are receiving
- Household bills that are in your name
- Information on any credit cards that are in your name
- ID documents for yourself and your children eg. passports, birth and marriage certificates

You can contact the 24 Hour Domestic & Sexual Violence Helpline at any time or Belfast and Lisburn Women's Aid to speak to a trained Outreach Worker.

## Managing Debt

Through no fault of your own, you may find yourself in a situation where you have to deal with debt.

Do not panic - but it's important not to ignore it.

The following steps are a useful way to start to deal with any debts you might have.

**1** Identify how much money you owe and to whom
- Make a list of your creditors
- do not ignore court papers or letters, free advice is available from a debt advisor
- check your credit history

**2** Identify which are the most urgent debts
- Prioritise what your most serious debts are eg. mortgage/ rent, a car you may need for work purposes

**3** Identify how much money you have and how this can be used to pay off existing debt
- What savings do you have?
- check with Citizens Advice that you are receiving all benefits that you are entitled to

**4** Identify your options for dealing with less urgent debts
- These can include student loans or borrowed money from family or friends
- you might be able to postpone these until you are in a more stable financial position

**5** Contact your creditors and make arrangements to pay back what you owe
- Make contact and explain your circumstances. They must treat you fairly
- It may be possible to arrange a short payment holiday, extend the repayment period or reschedule the payments

**6** Look at your options if you do not have any money to pay off your debts
- There are a number of ways to deal with debt and it is important to get proper advice.
-Many of these organisations have specific experience with domestic violence and abuse; these include
- Citizens Advice
- Debt NI
- Christians Against Poverty (CAP)

**7** Talk to someone

This could be a friend or family member you can also contact the 24 Hour Domestic & Sexual Violence Helpline or Belfast and Lisburn Women's Aid to speak to an Outreach Worker for support and to find out what your options are.

## After you have left

Once you have left and are in a safe place, it is a good idea to start thinking about separating yours and your partner's money.

Joint bank accounts can normally be frozen to prevent your partner spending what s/he is not entitled to.

Remember - bank statements can contain information on where money was withdrawn. It is also a good idea to change any pins or passwords associated with your accounts.

### Joint Credit Cards...

will have a primary and secondary holder. The primary holder is responsible for all the spending on the card. If your partner is the secondary card holder, you can remove their name and change the address to where you are now living.
If you are the secondary card holder, ask to have your name removed.

### Opening a Bank Account

You will need a bank account for your wages or benefits to be paid in to. To open a bank account you will need proof of ID and your address (eg your passport and a recent bill with your address on it). If you do not have access to these, banks will often accept a letter from a GP or Social Worker or a Refuge Worker if you are living in refuge.

### Dealing with financial paperwork

- inform relevant agencies of your new address (eg. benefits)
-Update the Housing Executive if you have moved and wish to continue claiming
-Inform your bank, mobile phone provider and other utility providers that you have moved address
- provide the gas/ electrivity supplier with meter readings as soon as you move into your new property so that you are not charged for the previous tenant's usage.

### New Home

If you would like to return to your former home to recover belongings you can ask a member of the PSNI to accompany you. Do NOT return alone as you may put yourself in danger. There are a number of possible options available to help you with furniture and household items and other financial support.

### Borrowing money

If you need to borrow money try to make sure you only borrow what you can repay. Look out for interest rates or possible hidden charges. Different types of loans are available dependant on your income and credit rating.

### Bank Loan

These are usually for larger amounts of money. Try and be aware of different bank's interest rates and that low credit ratings can mean ineligibility or a higher interest rate.

### Credit Unions...

offer smaller amounts of money from £50-£3000. They usually charge 1% interest p/m and cannot charge more than 3%.

### Credit Cards...

generally have an interest rate between 6.5-40%. They are only a good idea if you pay off the amount you borrow each month.

### Budgeting Loan

Typically offered through the Jobcentre and you can apply if you have been receiving Income Support or Income related Employment Support Allowance for at least 26 weeks. There is no interest on this loan.

### Crisis Loan

These provide help for people who need money quickly in an emergency or disaster. They have to be paid back to the Social Fund but are interest-free. Crisis loans are discretionary, the benefit office will decide whether to pay you anything based on how much money is in the district Social Fund budget and how urgently you need help. You can contact Citizen's Advice for more info.

### Community Care Grants...

are intended to help with expenses so that people can live in the community and families can stay together. They are discretionary and dependant on how much is available in the district Social Fund budget. They are non-repayable and information can be found through contacting Citizen's Advice.

### Pay Day Loans...

are short term for small amounts of money and are available from high street shops and internet sites. They are easy to get but interest rates are very high!! Consider alternatives before borrowing.

### Budgeting...

is a good way to build a clear picture of your finances and involves writing out how much incoming and outgoing money you have each month. Once you have this you can consider options to reduce your expenditure or increase your income to meet your needs. Organisations such as CAP (Christians Against Poverty) can help you in preparing your budget.

## Financial Abuse and the Law

There is no such offence of Financial Abuse. However under the law there are 2 offences which relate to financial abuse - Theft and Fraud by false representation

If you decide to contact the PSNI over financial abuse, it is best to contact the Domestic Violence Officers within the Public Protection Unit. They have specific training on domestic violence and abuse and should have an understanding of financial abuse.

If your partner is harassing you for money you can report his/her behaviour to PSNI under harassment law.

### Theft

Theft is the dishonest appropriation of property, with the intention of depriving the other of it. This can include taking someone else's money or belongings.

This is a criminal offence and can be reported to the PSNI. The PSNI will need evidence in order to investigate. This could be a statement from the victim stating that money etc. has been taken without their permission. Other evidence such as bank statements can also be useful.

### Fraud by false representation

This applies if someone takes your bank/debit/credit card and uses it pretending to be you to get someone else to use it pretending they are you.

## Divorce

Financial matters will usually need to be settled as part of a divorce settlement.

In NI you will need to be married for at least 2 years to get a divorce. Either of you can make a petition as long as you can show your marriage has "irretrievably broken down."

### 5 Grounds for for Divorce:

- Unreasonable Behaviour
- Desertion for Two Years
- Adultery
- Five Year's Separation
- Two Years Separation With Consent

### Spousal Maintenance

If you are married, and your spouse's income is greater than yours, you may be able to claim Spousal Maintenance to help you financially. This is a regular payment to you by your spouse to help you meet your outgoings. The amount of this will be decided by looking at your income and outgoings and those of your spouse. If this cannot be agreed, a court can decide how much should be paid. A claim for Spousal Maintenance can be made as soon as you separate and does not have to wait until all the other financial decisions have been made.

### Ancillary Relief

This is a term used for deciding how the finances should be divided at the end of a marriage. It includes dealing with the family home and any savings and pensions.
Both parties are required to give full disclosure of their financial circumstances so that all assets are known.
If division of assets are agreed, this will be set out in a Matrimonial Agreement that both parties must abide by.
If an agreement is not reached, the court can decide how the assets will be divided. Housing needs and the needs of the children will be important factors in the Court's decision.
Going to court may be necessary if your spouse will not co-operate or provide full financial disclosure.

### Injunction

If you are concerned that your spouse may try to hide/spend assets to stop you having a share, you should immediately take legal advice. It may be necessary for your spouse to give a written undertaking (promise) to the court that they are not to do so. If they refuse to do this, it may be possible to get an injunction freezing their assets and bank account to protect the assets until the financial matters of the divorce have been dealt with.

### Cohabitee

If you are living with your partner but not married to him you will not have the same financial rights as a married person. However, if you own a home together you will each have a claim in relation to that property. Even if your home together was not owned in your name, you may have an interest in it if you can show you financially contributed to it.

## Child Maintenance

Regardless of whether you were/are married you have the right to seek financial support for your children from their father/mother.

Disagreements over child maintenance and refusal to pay are often used by perpetrators of Domestic Violence to continue abusing their partner after separation. Child Maintenance Options is an advice service offered by the Government which provides information and advice for parents who have separated.

If Domestic Violence has been involved it is unlikely you will reach a family based arrangement and you may be referred to the Child Maintenance Service. They will decide how much the paying parent should pay the receiving parent.

For more information how the Child Maintenance Service can help, call: 0800 988 0988

## Legal Aid

Going through a divorce or arranging child contact with your former partner may require you to seek legal advice. This can be costly but many solicitors can arrange a payment plan for you to pay in instalments. You may also be eligible for legal aid if your income is below a certain level. It is important to talk to a solicitor who is experienced in Family Law to see if legal aid is an option to you.

## Where to get help and support

If you are experiencing Domestic Violence and abuse and want to talk to someone you can call the 24 Hour Freephone Helpline on the number below.

You can contact Belfast and Lisburn Women's Aid to speak to a member of the Outreach Team on 02890 666049. If you are living in refuge, talk to your key worker about the support they can offer you.

You can also contact the Men's Advisory Project for support on 02890 241929

## Other Services offering support with financial difficulties

Credit Unions - Association of British Credit Unions Ltd www.findyourcredituntion.co.uk

Financial Conduct Authority - regulates the financial industry www.fca.org.uk

HM Revenue and Customs (HMRC) - The UK's tax and customs authority www.gov.uk/government/organisations/hm-revenue-customs

The Money Advice Service - free advice available in person, phone or online www.moneyadviceservice.co.uk or 0300 500 5000

Citizens Advice - Offers information on a range of issues including budgeting, debt management and benefits www.citizensadvice.org.uk

Advice NI - Offers advice and support on managing debt http://www.adviceni.net/advice/debt

Christians Against Poverty (CAP)- Provides a comprehensive service to people in debt https://capuk.org/

Housing Rights NI- Provides Information and support if you have debt relating to your mortgage or rent http://www.housingadviceni.org/help-debt

Step Change - National charity offering free advice and support http://www.stepchange.org/DebtadviceinNorthernIreland.aspx

Trussell Trust - Porvide food banks across Northern Ireland. Information on locations of food banks can be found on their website https://www.trusselltrust.org/get-help/find-a-foodbank/

Belfast Storehouse - Provides food parcels, clothing and furniture free to families and individuals. A referral from a charity or partner organisation needs to be made on your behalf. www.storehousebelfast.com

Employers for Childcare - Provide a free Family Benefits Advice Service. They can provide information on a range of subjects such as tax credits, social security benefits, free school meals and school uniform allowances. www.employersforchildcare.org or call 0800 028 6538

Belfast Area Domestic & Sexual Violence and Abuse Partnership