



Economic abuse

ECONOMIC ABUSE

Financial problems can be very difficult for anybody to cope with, and especially when the problems are caused by economic abuse. Economic abuse is often used as a method of power and control within the context of an intimate partner relationship. It is a form of abuse that can happen to anyone; however, statistics show that economic abuse is more often perpetrated by men against women, and that women are more likely to experience it alongside other types of abuse. This is why we consider it a form of gender-based violence.

In this guide you will find information about economic abuse and ways to keep yourself safe or to improve your situation if you are experiencing financial hardship or you are worried about economic issues because of the abuse you are experiencing. This guide explains:

- [What is economic abuse](#)
- [What debts you are liable for](#)
- [Housing options](#)
- [Economic abuse after a separation](#)
- [Protecting your future finances](#)
- [Dealing with debt](#)
- [Ways in which your bank/ financial service provider can help](#)
- [Things to speak to your bank/ financial provider about if you're experiencing economic abuse](#)

Remember that this is just a guide and not a replacement for legal advice specific to your situation. Please make sure that you get legal advice to help you decide what your options are. If you are in immediate danger, call the Police on 999.

If you don't have a solicitor already, call our [helpline](#) to discuss your circumstances or make an appointment with our solicitors at one of our [surgeries](#).

The [Law Society of Scotland](#) can also suggest solicitors in Scotland who may be able to assist you. If you cannot afford to pay for a solicitor you might be able to apply for Legal Aid. Not everyone is eligible for legal aid, and we would recommend that you visit the [Scottish Legal Aid website](#) to see if you would be eligible in advance of contacting or meeting a solicitor. Our [Getting Legal Representation guide](#) has more information that could be helpful.

TABLE OF CONTENTS

WHAT IS ECONOMIC ABUSE?	1
WHAT DEBTS AM I LIABLE FOR?	2
ECONOMIC ABUSE AFTER A SEPARATION	4
DEALING WITH DEBT	6
HOW YOUR BANK/ FINANCIAL SERVICE PROVIDER CAN HELP	7
THINGS TO SPEAK TO YOUR BANK / FINANCIAL PROVIDER ABOUT	7
ABOUT US	9
SUPPORT AGENCIES AND USEFUL CONTACTS	10

WHAT IS ECONOMIC ABUSE?

Domestic abuse does not always mean physical violence. Some abusers attempt to control their partner's everyday life and choices – this is called coercive control. Economic abuse is one harmful form of coercive control. It occurs when a person interferes with their partner's ability to acquire, use and maintain financial resources. It can also include interference with a person's access to other economic resources like housing, food, clothing, transportation, employment and education. The Domestic Abuse (Scotland) Act 2018 made coercive and controlling behaviour a criminal offence in Scotland, which includes economic abuse.

A person using economic abuse as a form of control might:

- Take your pay or prevent you from claiming benefits
- Demand to know how your money is spent
- Make important financial decisions without discussion
- Insist that all economic assets are in their name (e.g. savings, house)
- Insist that all economic assets are in your name, so they are not liable
- Keep financial information secret
- Make you ask for money or provide you with an “allowance”
- Refuse to contribute to household costs
- Spend money that is needed for rent/household bills
- Build up debt under your name
- Prevent you from accessing a personal bank account or joint account
- Try to prevent you from working or studying
- Threaten or use violence to prevent you from going to work or school.

ECONOMIC OR FINANCIAL ABUSE?

The terms economic and financial abuse are often used to mean the same thing; however, there are some difference in their definition:

Financial abuse involves the use or misuse of money to control your life and your freedom of choice. It can leave you with no access to money, your bank accounts or your income.

Economic abuse includes restricting your access to economic resources such as food, clothing, employment, education or transport. Financial abuse is a sub-category of economic abuse.

Many people, including some support services, might use these words interchangeably. There is no harm in doing so, but you want to ensure that your experience is being heard and addressed appropriately. Economic abuse is a way to control and restrict your ability to acquire, use or maintain money and economic resources.

Regardless of the term used, the most important thing is that people understand that what you are going through, its implications and consequences are economic abuse.

WHAT DEBTS AM I LIABLE FOR?

JOINT BANK ACCOUNTS

If your joint account is overdrawn (more money is spent than there is in the account), both of the account holders will be responsible for the overdrawn balance (also known as an overdraft).

If you're worried about money being taken from the account without your agreement, it is possible to ask your bank to act only on instructions from both or all account holders, or to suspend the account. This would mean that payments cannot come out of the account without joint instructions from both account holders.

It is important to remember though, that either account holder can suspend a joint account. Removing the suspension would need both of you to agree, so think carefully about the right option for you.

If you want to suspend or close your joint account, talk to your bank or financial service provider to find out the best way to do this. You may want to open a new account in your name — this will help separate your money from your partner/ex-partner's. If you are still living at the same address as your partner/ex-partner, there can be risks with taking certain steps. Please see our section on [things to speak to your financial provider about](#) before deciding on the safest option for you.

CREDIT CARDS

If you have a credit card, it will normally be taken out in one person's name – this is known as the 'primary card holder'. The primary card holder is the only person who can be held responsible for the balance due on the credit card.

Sometimes an account will have a 'secondary cardholder' – a second person with a credit card for the same account. Even if the secondary cardholder has spent money on the credit card, it will still be the primary cardholder's responsibility to pay the balance.

If you are the primary cardholder on a credit card account, you may want to have the second person removed from the account to stop them from using it and spending money on the account. If you are not sure whether you are the primary or secondary cardholder, get in touch with your bank/ financial service provider to find out.

JOINT MORTGAGES

If you have taken out a joint mortgage with another person, both people named on the mortgage are responsible for paying the mortgage payments. In practice, this means that your mortgage lender can pursue either one of you if payments aren't made on time, and can take either one of you to court to repossess the property.

Even if you have moved out after ending the relationship, if your name is on the joint mortgage, then you will still be responsible for making mortgage payments. If your partner stops paying the mortgage and you pay it, you may be able to take legal action so they pay their share.

However, this is often difficult to do in practice and you should seek legal advice if this applies to you.

Having a joint mortgage also means you will both need to agree to any changes — for example, if you want to extend the term of the mortgage or increase the amount you are borrowing.

JOINT TENANCIES

A joint tenancy is when two or more people are named on the tenancy. Each tenant will have signed the tenancy agreement when they moved into the property. Similarly to joint mortgages, joint tenants are jointly and individually responsible for paying the rent. If your partner/ex-partner moves out without giving notice or is not paying their share of the rent, you will be responsible for paying the full amount. If neither of you pay the rent, your landlord can pursue either of you and ask you to pay the full amount. You will also be jointly and individually liable for paying any money owed (rent arrears), even if you were not personally responsible for them.

COERCED DEBT

It is possible for another person to force you into taking out loans, overdrafts, or credit cards in your name. This can be called “coerced debt” and is a common form of economic abuse. Another common form of coerced debt is when your partner persuades you to re-mortgage your home for one reason, but then they use the money for a different reason. They may not tell you why they want to re-mortgage the house, or forge your signature.

It can be difficult to get coerced debt recognised by the courts and/or creditors (the people you owe money to), as it is often assumed that couples are a financial unit. It can also be difficult to gather evidence proving that the debt was coerced or that you had no knowledge of it. Usually, you will be responsible for any debts that are taken out in your name. Unfortunately there is no general exception for people who have experienced economic abuse. However, there are a number of options that you may wish to discuss with a qualified debt adviser and/or a legal adviser.

If credit has been taken out in your name without your knowledge or consent, this is fraud and can make a contract void (meaning that it is no longer valid). Fraud is also a crime which can be reported to the Police.

If you have been forced or pressured into signing a contract through “undue influence or duress” (that is, someone took advantage of your trust or forced you physically and/or emotionally to sign the contract), the contract may also become invalid or voidable. A voidable contract is one that is not automatically void and instead the court will consider the evidence before deciding whether it is void.

If you have been impacted by coerced debt, it is important to know that many banks have ‘vulnerable customer teams’ that you can speak to for advice.

COUNCIL TAX

If you live with anyone who is over 18, you have joint responsibility for paying council tax. Council tax is a system of taxation on domestic property. Couples are ‘joint and severally

liable' for council tax —this means that you are responsible for paying council tax both as a couple and also individually. It does not matter whether you are married, civilly partnered or cohabiting. Therefore, one person can be asked to pay the whole amount if the other person does not pay. For example, if you move out of your home and your partner stays, you will be responsible for making any council tax payments that were not made before you left the home and informed the council of your move.

MARRIAGE /CIVIL PARTNERSHIPS AND DEBTS

If you are married or in a civil partnership, this does not necessarily mean that your finances are tied to your partner's. It is possible to be married or civilly partnered without creating a financial association on your credit report. You may have debts which may be only in your name or only in the name of your partner. You may also have joint debts, as we explained above.

Being married or in a civil partnership doesn't mean that your partner's debts automatically become yours. Generally, you will not be legally responsible for your partner's debt unless they are in your name too (joint names). If you do have joint finances with your partner, you'll still have separate credit reports – they'll just be linked to each other.

However, when you are married or in a civil partnership and your relationship ends, your finances will need to be separated. There are particular rules about what is considered matrimonial/ partnership property and this is a complex area of law, so you should seek specific advice from a solicitor about your particular circumstances.

ECONOMIC ABUSE AFTER A SEPARATION

It is not uncommon for abusers to continue economic abuse after separation in order to have power and control over their ex-partner. This is often through financial matters, child contact arrangements and court proceedings. Economic abuse after a separation can include, but is not limited to:

- Refusal to pay child maintenance
- Taking you to court indefinitely
- Damage to your property
- Making you pay for their housing
- Loans and debts you were not aware of

HOW CAN I PROTECT MY FUTURE FINANCES?

If you are worried that economic abuse may continue or worsen after separating from your partner, there are a few practical things you can do to protect your finances.

▪ DIVORCE/DISSOLUTION OF CIVIL PARTNERSHIP

If you are married or in a civil partnership and plan to separate, you may need to settle financial matters with your partner. You can do this by agreement. If you are not able to reach an agreement with your spouse/civil partner on how your finances and assets will be divided, you

may need to make a claim for **financial provision**. A financial provision is when you ask the courts to decide how to deal with financial issues between you and your ex-partner.

It's important to seek legal advice from a family law solicitor, so that you have a good understanding of your options and potential entitlements.

▪ **CHILD MAINTENANCE**

Disputes about child maintenance are common and abusers often refuse to pay in order to maintain control over their ex-partner after separation. If you share children with your ex-partner and they are refusing to contribute to the costs of bringing up the children, you can contact the Child Maintenance Service. You don't have to pay the Child Maintenance Service application fee [if you have experienced domestic abuse](#).

The Child Maintenance Service can:

- Find your partner and work out how much they should be contributing to your children (you can do this yourself using the [child maintenance calculator](#))
- Arrange for payment and pass on payments to you
- Take action, including court action, if payments are not made
- Keep the amount paid under review
- If necessary, take money directly from your partner's earnings or bank account

The Child Maintenance Service can also help people affected by domestic abuse to set up a 'Direct Pay' child maintenance arrangement. This means you don't have to contact the other parent, instead the service acts as an intermediary and transfers bank details between parents. There are no charges for using the 'Direct Pay' service.

If you're on benefits, you should be aware that the amount of child support you receive may affect your benefit entitlements. You can speak to [Citizens Advice Scotland](#) to get more information about this.

▪ **HOUSEHOLD BILLS**

If you leave the home you shared with your partner/ex-partner, it's important to remember to alert the water, gas, electricity, phone, Internet, TV and any other utility companies when you leave, so that any future usage is not charged to you. Some abusers deliberately run up huge bills after their partner leaves, knowing that all the bills are in their partner's name.

▪ **BENEFITS**

A useful way of finding out your potential entitlements is to use an online benefits calculator: try [www.entitledto.co.uk](#) or [www.gov.uk/benefits-calculators](#). You can also seek help from your local JobCentre Plus or Citizens Advice to find out your entitlements.

If you are starting to claim benefits you may be able to get a short-term benefit advance if you are likely to be in financial hardship until your benefits come through. The advance will usually be paid back through your benefits. You do not have to pay interest. You can apply for a short-term benefits advance by contacting [JobCentre Plus](#).

If you have to leave work because of domestic abuse, make sure that you tell JobCentre Plus about your situation. This means that you will not be treated as if you have voluntarily left your job and they will assist you in claiming benefits. If you have experienced domestic abuse when claiming Universal Credit, you may also be [exempt from work-related requirements](#) for up to 13 weeks. This means that you will not need to look for, or prepare to look for work during that time. The break can be extended for up to 26 weeks if you are the main carer of a child under the age of 16.

You may also be able to get some financial support from your local council – some councils offer local welfare assistance funds or grants for those experiencing financial hardship.

If you were already claiming benefits, make sure you contact the Department of Work and Pensions (DWP) and/or your JobCentre Plus to let them know your circumstances have changed, and to ensure that the money is paid into your own bank account rather than your ex-partner's account, or a previous joint account.

▪ NOTICE OF DISASSOCIATION

If your finances are no longer joined to your partner/ex-partner, you may be able to apply for a [Notice of Disassociation](#). This is a request to remove your partner/ex-partner from your credit file, to ensure that your ex-partner's credit history will not be taken into account when lenders are assessing your credit rating.

▪ CIFAS PROTECTION

If you are worried that your ex-partner might try to take out credit or open an account in your name, you could consider registering with the [Cifas protection registration scheme](#) for a small fee. Cifas is a fraud prevention service. Registering with Cifas adds an additional layer of protection to your accounts. For example, if your ex-partner tried to apply for a product or service in your name, you would be contacted by Cifas and asked to verify the application.

DEALING WITH DEBT

It is important to get financial advice as soon as you can about any debts that you have before deciding what action to take.

You can get free independent debt advice from the [National Debtline](#) on 0808 808 4000. You may also want to seek legal advice from a solicitor.

CHECKING YOUR CREDIT SCORE

Whenever you use an overdraft, or take out other credit (such as a credit card, store card, loan, or mortgage), this is recorded on your credit score. If you miss any repayments, go over your credit limits, or take out a lot of new credit, this can affect your credit score.

Financial abuse can have an impact on your credit score, especially if someone you know has taken out credit in your name. This is important because a low rating could affect your ability to apply for credit in the future, including mortgages.

You can check your credit score using free online services. This will help you to identify any debts that you might have, making it clear which loans and accounts you are responsible for. You can then prioritise which debts to deal with first. It will also tell you whether your partner/ex-partner has tried to take out any loans or financial products in your name.

The Money Advice Service has guidance on their website on [how you can improve your credit score](#).

HOW YOUR BANK/ FINANCIAL SERVICE PROVIDER CAN HELP

In recent years, many banks and financial service providers have taken steps to support vulnerable customers. They have also created policies on how they can help if you are experiencing economic abuse.

You can search online for your bank's policy on supporting vulnerable customers, or if it's safe to do so, you can call to ask them about how they can help customers facing difficult circumstances. Many banks have dedicated 'vulnerable customer teams' that you can ask to speak with for advice.

REPORTING ECONOMIC ABUSE TO YOUR BANK/ FINANCIAL SERVICE PROVIDER

Approaching your bank about abuse can be daunting, but your bank or financial service provider could be an important source of information and support. If it is safe to do so, speaking to someone at your bank can be a useful step to help you regain control of your money. You can do this in person, over the phone, or even via online chats or video calls with some banks. They may be able to suggest ways of removing the link between your finances and those of the abuser, and of ensuring any new banking information is safe and secure to help prevent further abuse.

THINGS TO SPEAK TO YOUR BANK / FINANCIAL PROVIDER ABOUT

SAFETY

- Make sure you, and only you, know your PIN numbers and online banking passwords. If you think your partner has access to your PIN number or password, consider changing them.
- If you are currently living at the same address as your partner/ex-partner, suspending/closing your bank account or opening a new account may carry risks if you don't want your partner to find out. Opening a new bank account, even online, will usually involve sending some documents to your home address. You should speak to your bank or financial service provider about this and any options available before deciding on the safest option for you.
- If you use your account after leaving the home you used to share with your partner/ex-partner, be aware that bank statements will contain information about the location of cash machines you have used, or other payments that you have made. You should

contact your bank about changing your address as soon as is possible.

COMMUNICATION

- Think about where letters from your bank are sent, especially if you think someone might be opening your letters. If you don't want this correspondence to go to the address of the abuser, you may be able to have them sent elsewhere.
- You can ask your bank to stop sending paper bank statements at all and make them aware that this could put your safety at risk.
- Make sure to change your online banking password and any other security details that your partner/ex-partner might know and could use to access your online accounts.

Economic abuse can be a difficult and stressful situation, but it is important to know that there are options available and that you don't have to deal with this situation alone.

UK Finance has a ['Financial Abuse Code of Practice'](#) which most financial services in the UK have signed. By signing up to this voluntary code of practice, these banks and financial providers have committed themselves to helping customers experiencing financial abuse to regain more control over their finances.

ABOUT US

The Scottish Women's Rights Centre (SWRC) is a collaborative project that provides free legal information, advice, advocacy and representation to women affected by violence and abuse.

Who is involved?

We are a collaboration between Rape Crisis Scotland, JustRight Scotland and the University of Strathclyde Law Clinic.

Our helpline

If you need legal information, advice or advocacy support, call our helpline:

08088 010 789

Legal information

Monday 2 - 5 pm
Tuesday 6 - 8 pm
Wednesday 11 am - 2 pm
Friday 10 am - 1 pm

Advocacy support

Tuesday 11 am - 2 pm

Sexual harassment

Thursday 5 - 8 pm

Need more information?

To learn more about us, visit our website and follow us on our social media channels.

www.scottishwomensrightscentre.org.uk

 /swrcscot

 @SWRC_

 /swrc



SUPPORT AGENCIES AND USEFUL CONTACTS

▪ DOMESTIC ABUSE

Emergency services

101 (non-emergency)

999 (emergency only)

Scottish Women's Aid

Website: womensaid.scot

Local specialist groups: womensaid.scot/find-nearest-swa-group

Scotland's Domestic Abuse and Forced Marriage Helpline

Helpline: 0800 027 1234 (open 24/7)

Website: sdafmh.org.uk

Rape Crisis Scotland

Helpline: 08088 01 03 02 (open everyday 6pm-midnight)

Website: rapecrisisScotland.org.uk

National Stalking Helpline

Helpline: 0808 802 0300 (open daily 9.30am-4pm, except Wednesday 1pm-4pm)

Website: suzyLamplugh.org

Surviving Economic Abuse

Free resources on economic abuse (please note that some resources may apply only to England and Wales).

Website: survivingeconomicabuse.org/resources

▪ FINANCE AND HOUSING

Citizens Advice Scotland

Information, advice and support on debt, money matters, housing, benefits and more.

Helpline: 0800 028 1456 (Mon-Fri, 9am-5pm)

Website: cas.org.uk

Positive Action in Housing

Can offer advice, crisis grant, and free shelter to refugees and asylum seekers at risk of destitution.

Phone: 0141 353 2220 (Mon to Thur, 9:30am-4.30pm)

Email: home@positiveactionh.org

Website: paih.org/get-help

Shelter Scotland

Free information and advice on housing and homelessness.

Helpline: 0808 800 444 (open Mon to Fri, 9am-5pm)

Website: www.scotland.shelter.org.uk (webchat open Mon to Fri, 9am-5pm)

Ubuntu Women's Shelter (for women with No Recourse to Public Funds)

Based in Glasgow, provides short-term (72 hours to 1 week) emergency accommodation for women with No Recourse to Public Funds.

Emergency accommodation: 07570 877817 (open 24/7)

Information or other support: 07543 491900

Website: ubuntu-glasgow.org.uk

National Debtline

Free and independent debt advice over the phone and online.

Helpline: 0808 808 4000 (open Mon to Fri, 9am-8pm)

Website: nationaldebtline.org (online webchat open Mon to Fri 9am-8pm)

Money advice service

Free and impartial money advice set up by the government

Helpline: 0800 138 7777 (Mon to Fri, 8am-6pm)

Website: moneyadviceservice.org.uk (webchat open on Saturday, 8am-3pm)

Turn2Us

Information on benefits, charity, local authority grants and support services across the UK.

Website: turn2us.org.uk

UK Finance

Information about the UK Finance 'Financial Abuse Code of Practice' and how financial services can help you if you are experiencing economic abuse.

Website: ukfinance.org.uk/system/files/Financial-Abuse-Code-of-Practice.pdf

▪ **LEGAL REPRESENTATION**

Law Society of Scotland

You can use their website to find a solicitor that may be able to help you with specific advice about your situation.

Website: lawscot.org.uk/find-a-solicitor

Scottish Legal Aid

If you are eligible, Legal Aid can help you to pay for your own legal costs, including solicitor fees.

Website: slab.org.uk/new-to-legal-aid