



DWP Universal Credit Policy Team
Department for Work & Pensions
3rd Floor
Caxton House
London
SW1H 9NA

Sunday, 27th November 2016

Reference: Rape Clause

Dear Sir/Madam,

Consultation Response – Exceptions to the limiting of the individual Child Element of Tax Credits and the Child Element of Universal Credit to a maximum of two children

I would be grateful if you could treat this correspondence as a formal submission to the consultation on the Exceptions to the limiting of the individual Child Element of Tax Credits and the Child Element of Universal Credit to a maximum of two children.

I am making this submission in my capacity as the Member of Parliament for Glasgow Central. My interest in this policy is well documented in Parliament and the wider media.

I do not intend to respond to every paragraph listed in the consultation document but instead outline points which I sincerely hope the Government will take on board.

From the outset, I wish to record my firm and forthright opposition to any plans to limit tax credits to two children per family. I believe this to be a wholly unnecessary policy, which will only serve to stigmatise any third or subsequent child.

I believe the policy to be in direct contravention of several articles of the UN Convention on the Rights of the Child. I believe the two child policy is specifically in contravention of articles 2, 4, 5, 18 (subsection 3) and 26, (subsection 1). Indeed, I welcome the UN Committee on the Rights of the Child's disapproval of this policy and would urge the Government to reflect upon the seriousness of this.

I believe the policy will provide a disincentive for blended families coming together. There is no detail in the consultation, for example, about how this policy would impact two separately widowed or previously separated/divorced parents from coming together as blended families.

Alison Thewliss MP

SNP Member of Parliament for Glasgow Central

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I believe this policy is inconsistent with wider Government policy on family benefit payments. The consultation document correctly acknowledges that Child Benefit will not be restricted to two children per family, therefore I fail to understand why this step should be extended to the child element of tax credits or universal credit.

Chapter two of the Government's consultation document stipulates *"Currently, benefit entitlement adjusts automatically to family size whilst families supporting themselves solely through work do not see their incomes rise in the same way when they have more children"*.

The Government should recognise that Child Tax Credit can be an in-work benefit and we know that over 60% of those claiming this particular benefit are already in-work.

It is widely acknowledged that part of the child tax credit function is to help working families "see their incomes rise" when they have more children. We know also that the Government believes that each child needs £66 per week to cover their basic living costs. Removing that vital benefit support for each third child will reduce family incomes and heap further pressure on hardworking families who are already disadvantaged by low pay.

I note that the government has now agreed to extend the exemption to any third child adopted from local authority care. I welcome this development.

Turning to chapter three of the consultation document, I believe that the Government's proposals regarding multiple births are ill thought out and contradictory. I believe it is fundamentally inconsistent for one three child family to get full child tax credit payments (e.g. an older child and younger twins in the same family) while another three child family loses out (e.g. a family has older twins and a younger child) under this policy.

My gravest concern about this policy is focussed upon in chapter five and leaves me with the clear conclusion that plans for a rape clause are unworkable, which is backed up further by the evidence and advice of various campaigning and women's aid groups.

In approaching this debate, the Government must familiarise itself with the definition of rape, defined in the Oxford dictionary as *"The crime, typically committed by a man, of forcing another person to have sexual intercourse with the offender against their will"*.

I am concerned that the Government has, and continues, to view rape as almost always being conducted by someone jumping from out of a park bush and forcing themselves upon a stranger. In reality, we know that a significant proportion of rape and sexual abuse takes place within existing relationships. I am not convinced the Government has truly taken this into account.

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Paragraph thirty-two stipulates that *“Circumstances are consistent with those of a person who has had intercourse without consenting to it (at a time where the conception of her third or subsequent child might have resulted)”*.

I believe this definition would broadly cover any woman who was already in an abusive relationship at the time of conception. We know that most physically and emotionally abusive relationships tend also be sexually abusive.

Paragraph thirty-four of the consultation document acknowledges that rape may be only one facet of abuse in a relationship and not necessarily the one that women seek help with in the first instance.

Paragraph thirty-five of the consultation document refers to *“a third party to assess a claim for exemption”*. As the Government well knows, third parties generally do not assess claims - unless this power is specifically delegated to them, as in the work programme - the Department of Work and Pensions does.

Asking third parties to arbitrate on matters such as this would be incredibly inappropriate and puts at grave risk the “gate keeper” and trust reputation some of these very sensitive organisations have with some of the most vulnerable women in society.

If this is not, in fact, the case, then I presume the third parties would obtain and pass on evidence to support the claim, which would then be assessed by a DWP decision maker. This would then mean we end up in a situation whereby civil servants are making incredibly serious decisions on which they have had no training - which I was originally assured would not happen.

In all my exchanges with Ministers, the Government has consistently tried to distance itself from the actual notion of assessing whether a woman has been raped and, instead, tried to imply that this will be done more sensitively by some other party. The consultation document implies that a DWP decision maker will have to look at what the third party evidence has been provided and decide whether or not that evidence is sufficient. In effect, the final decision will still be made by a DWP decision maker. This is totally unacceptable and has rightly drawn condemnation from PCS, the civil servants’ trade union

As well as knowing that roughly only 3% of rapes result in conviction, we know that there are some very practical difficulties associated with evidencing historic rapes. A woman may have not required to make use of this specific provision for many years after the initial rape, and I am concerned that the Government has made no provision for this within the scope of this policy.

Chapter six of the consultation document highlights, I feel, the fundamental disconnect between the Government and reality.

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Paragraph thirty-six stipulates: *"It is in the best interests and safety of the claimant and her children to no longer be living with the alleged perpetrator of the rape"*.

This statement, however well intentioned, has absolutely no bearing on the reality of situations described by respected organisations like Women's Aid, Rape Crisis, the Survivor's Trust and many others. Evidence tells us that it takes a woman an average of seven attempts to permanently leave an abusive relationship. It is not as simple as a woman simply "fleeing" a situation as has been described to me.

The Government clearly has no understanding of this, and has not factored this point into account.

Physically, emotionally or sexually abused women who return to their abuser will lose benefit - arguably making it harder to leave a second time.

The consultation document goes on to stipulate *"Furthermore, we want to ensure that the alleged perpetrator does not stand to benefit from the exception"*.

We know that children's benefits are commonly, although not exclusively, paid to the children's mother rather than their father. This is intentional as policy makers had previously found that the money is more likely to benefit the children if it was paid directly to the mother.

Family benefits can be a lifeline to women in financially abusive relationships who may be denied access to other family money.

With Universal Credit, disappointingly, all the benefits are paid to one person in the couple. The couple is supposed to decide between themselves to whom it should be paid. This means that an abusive man can more easily take control of the entire family income and leave his partner with little or no access to funds whatsoever.

Under Universal Credit, there would be a clear risk that perpetrators would directly benefit from their crimes. However, this is directly caused by the structure of Universal Credit. We know that the DWP can already split payments between a couple if it considers this to be in the interests of the claimant or a child in the family. This can include reasons of financial abuse. While the Government has, in the past claimed this is a safeguard, women's welfare organisations have pointed out that actually making use of this provision would likely cause the abuse to escalate in certain relationships and put women and children at greater risk.

The Government has, I suspect, very deliberately only chosen to consult on the exceptions to the two child policy. However, I would wish to touch on three other issues which arise as a result of the wider two child policy, and are not confined the rape clause.

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If the Government truly believes that work should pay, it should recognise the compelling research by the Interlink Foundation, whose findings would suggest that families in 2017 will find themselves in a "cruel poverty trap". We know that working families will simply be unable to work their way out of this trap unless they can raise their income "significantly", almost certainly more than their normal earnings.

I also believe the wider two child policy is inherently unfair and discriminates directly against numerous religious communities, including Orthodox Jews (52% of whom have three children or more) and Muslims (over 60% of whom have three children or more).

Over 870,000 families in the UK have three or more children. I know the Government has indicated that families currently receiving child tax credits will not lose out as a result of this policy but this figure demonstrates that, relatively speaking the number of families with more than two children is fairly small. Indeed, less than half (310,000) of the 870,000 families are out of work, therefore it can quite easily be argued that this policy will impact the very "just managing" and hardworking families the Prime Minister spoke about on her first day in office.

The very nature of the tax credits and social security system means that families may enter and leave eligibility over the course of their working lives. It does not take into account the changing circumstances which may arise should one member of the family die or take ill once the decision to have three children has already been made.

The widely respected Resolution Foundation have estimated that the two child policy would impact approximately 640,000 families by 2020, with savings to the Government of roughly, £1.6 billion.

The other figure the Government did not print in its Red Book of summer 2015, is that the two child policy would push an additional 200,000 children into relative poverty by 2020. That is not a price worth paying and the Government should, therefore and without delay, scrap the two child policy and unworkable rape clause.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Alison Thewliss', written in a cursive style.

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