

Guidance for approved third parties in Northern Ireland

Payments of Income support, Jobseeker's Allowance (Income Based) and Universal Credit for a child conceived without consent, including rape, or while in a coercive or controlling relationship.

Overview

From 6 April 2017 support through Income Support, Jobseeker's Allowance (Income Based) and Universal Credit will generally only be available for the first two children the claimant is responsible for.

Income Support, Jobseeker's Allowance (Income Based) and Universal Credit will continue to be paid for children born before that date.

For the purposes of this form, by "child" we mean anyone aged under 16, or a young person aged under 20 who enrolled on, accepted or started full-time non-advanced education, such as A-levels, or approved training before they turned 19.

In recognition that some claimants are not able to make choices about the number of children in their family, the Government has provided exceptions for certain groups and circumstances.

One of those exceptions applies where either:

- the claimant did not, or could not, consent to the act that led to the conception of the child, or
- the claimant was in a coercive or controlling relationship with the other parent of the child at or around the time of the conception.

In either case the exception can not apply if the claimant is still living with the other parent of the child. You are not required to ask the claimant if they are living with the other parent, as the claimant will confirm this to the Department for Communities.

Purpose of this form

Approved third parties have been chosen as they already support individuals in sensitive circumstances. These are healthcare professionals, specialist support workers from an approved organisation and registered social workers.

Please note that ticking a box only confirms that the claimant's circumstances, as described by them, are consistent with the statement next to the box. There is no requirement on the approved third parties or workers to seek any further evidence to confirm the circumstances.

This model means claimants are not placed in the position of having to give sensitive details to Department for Communities officials, but to professionals who can offer relevant support. Please do offer whatever support you feel appropriate.

Criminal convictions and criminal injuries compensation

If evidence is available to show any of the below, relating to the conception of the child, the claimant may not need to use this third party route to gain the exception:

- an award from the Compensation Services in Northern Ireland (or the Criminal Injuries Compensation Authority). This must be in respect of a relevant sexual offence, physical abuse or mental injury, where this relates to the conception of a child
- conviction in the United Kingdom for rape (or a conviction abroad for an analogous offence)
- conviction in England and Wales for controlling or coercive behaviour in an intimate or family relationship under section 76 of the Serious Crime Act 2015 (or a conviction abroad for an analogous offence). There is currently no analogous offence in Northern Ireland or Scotland.

Definitions of terms used in the form

What is non-consensual conception?

For this form, it means conception that results from an act to which the claimant did not agree by choice, or did not have the freedom or capacity to agree by choice. This can be where the claimant was raped (whether by a partner, someone they knew, or a stranger). It can also include circumstances in which at or around the time of conception the claimant was subject to repeated or continuous controlling or coercive behaviour in an intimate or family relationship.

What is controlling or coercive behaviour?

Controlling or coercive behaviour is a type of domestic abuse or violence.

Coercive behaviour is 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.

Controlling behaviour is 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.

Controlling or coercive behaviours might include :

- isolating a person from their friends and family
- depriving them of their basic needs
- monitoring their time
- monitoring a person via online communication tools or using spyware

- taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
- depriving them of access to support services, such as specialist support or medical services
- repeatedly putting them down such as telling them they are worthless
- enforcing rules and activity which humiliate, degrade or dehumanise the victim
- forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
- financial abuse including control of finances, such as only allowing a person a punitive allowance
- threats to hurt or kill
- threats to a child
- threats to reveal or publish private information. For example, threatening to 'out' someone
- assault
- criminal damage (such as destruction of household goods)
- rape
- preventing a person from having access to transport or from working.

This is not an exhaustive list.

For this exception, the controlling or coercive behaviour must have had a serious effect on the claimant. This means that it causes someone to fear that violence will be used against them on at least two occasions; or causes them serious alarm or distress which had a substantial adverse effect on their usual day-to-day activities.

What is covered by “intimate or family relationship”?

The claimant must, at or around the time the child was conceived, have been personally connected with the person who is likely to be the child's other parent. “Personally connected” covers situations where:

- they were in an intimate personal relationship with each other (whether or not they were living together)
- they were living together in the same household and were a member of the same family or had previously been in an intimate personal relationship with each other. Family members include a former partner or a relative such as a parent, step parent, sibling, step sibling (and it can also include a relative of the claimant's spouse or partner).

Areas of the form to complete

The claimant must complete section 1.

Please complete **sections 2 and 3** of the form.

At the end of section 3 please provide your authentication for your profession, support worker role or approved agency status:

- if you are a health care professional, please provide your professional registration number or health practice stamp
- if you are a registered social worker, please provide your registration number.
- if you are a specialist support worker from an approved organisation, please provide your agency reference number or registered charity number and specify.

The claimant must then return the completed form as soon as possible to Exceptions Team (BGC) if they are claiming increases for dependant children in their Income Support, Jobseeker's Allowance (Income Based) or Universal Credit.

Other key requirements

You must only complete this form in the course of your professional duties.

Please be aware that in Northern Ireland, if the third party knows or believes that a relevant offence (such as rape) has been committed, the third party will normally have a duty to inform the police of any information that is likely to secure, or to be of material assistance in securing the apprehension, prosecution or conviction of someone for that offence.

Determining whether the claimant's circumstances meet the tick boxes

In your existing professional duties, you may have previously spoken to the claimant about circumstances relating to this exception and feel able to make this determination, if this is the case you may not need to discuss these circumstances again to complete the form.

If you have not previously met the claimant and discussed these circumstances, please listen to what the claimant tells you and tick any boxes which meet the circumstances the claimant is describing.

Please note – by ticking a box you are only confirming that your understanding of the claimant's circumstances, as described by them, are consistent with the statement next to the box.

Further questions

1. Which boxes need to be ticked for the claimant to be eligible for the exception?
 - a. Please tick as many boxes as apply to the circumstance the claimant has reported to you. DfC will determine whether the individual qualifies for the exception based on which boxes are ticked.
2. Do I have any legal responsibilities to inform any authorities now a claimant has told me of these circumstances?
 - a. You will continue to operate within your professional duty of confidence and any legal obligations you currently have. For example safeguarding children and the public. Completing this form and meeting the claimant will not bring in any additional legal responsibilities to your existing professional role. Please be aware that in Northern Ireland, if the third party knows or believes that a relevant offence (such as rape) has been committed, the third party will normally have a duty to inform the police of any information that is likely to secure, or to be of material assistance in securing the apprehension, prosecution or conviction of someone for that offence.
3. What should the claimant do with the form after completion?
 - a. It is the responsibility of the claimant to return the form to the Department for Communities. There is guidance on the final page of the form to assist them doing so.
4. What does point (2) of the form mean by "claimant lacked the freedom or capacity to agree by choice"?
 - a. An individual may lack the freedom or capacity to agree by choice due to a variety of different circumstances, including as a result of mental disorder or the affects of alcohol or drugs. Regarding mental disorder, it may be that the individual lacked sufficient understanding of the nature, or reasonably foreseeable consequences, of what was being done.
5. How will DfC handle this sensitive data?
 - a. DfC will handle this extremely sensitive information discreetly and confidentially, in line with its strict data protection rules. Any documentation sent to claimants will not include the reason for the additional support for the child.

Assisting victims of rape, sexual abuse and domestic violence

The following is a list of organisations available that may be able to provide additional support for the claimant:

- **Sexual Assault Referral Centres (SARCs)** – Northern Ireland's SARC is in East Belfast at the Rowan.
www.nidirect.gov.uk/articles/rowan-sexual-assault-referral-centre-sarc
- **Northern Ireland 24 hour Domestic and Sexual Violence Helpline** – is run by Women's Aid Northern Ireland and is a freephone national service that provides support for all those affected by domestic and sexual violence. Phone **0808 802 1414** or visit www.womensaidni.org
- **NI Direct** – for Northern Ireland specific help and support for victims of sexual assault and rape, including links to support organisations, go to the NI Direct dedicated page
www.nidirect.gov.uk/articles/help-and-support-victims-sexual-assault-and-rape
- **NEXUS NI** – operates across Northern Ireland to respond to people aged 16 and over who have experienced sexual abuse and may benefit from specialist counselling for survivors of sexual abuse or violence. Visit www.nexusni.org
- **Victim Support NI** – Victim Support provides practical and emotional support for all victims of crime at local offices across Northern Ireland. Phone **028 9024 3133** (Belfast) or **028 7137 0086** (Foyle) or visit www.victimsupportni.co.uk
- **NI Women's Aid Federation** – Women's Aid provides advice, support and safe accommodation for women (and their children) who have been abused mentally, physically and/or sexually by their partner or ex-partner. Free 24-hour helpline on **0808 802 1414** or visit www.womensaidni.org
- **Relate NI** – offers professional counselling and therapeutic services to enhance emotional wellbeing in individuals, couples, families and communities. Call **028 9032 3454** or visit www.relateni.org
- **The Survivors Trust** – has over 135 member agencies across the UK which provide support for survivors of rape, sexual violence or childhood sexual abuse. Phone: **0808 801 0818** or visit www.thesurvivorstrust.org

Note: This list is not exhaustive, and there may also be local organisations which the claimant could be made aware of.

You may find the **Victim's Information Service** website useful for locating support in your local area: www.victimsinformationsservice.org.uk

More information

For more information go to www.nidirect.gov.uk/articles/income-support

If you have any questions about how to complete the form, please contact:

Exceptions Team (BGC)

39-41 Church Road
NEWTOWNABBEY
BT36 7LB

Phone **028 9560 6835**
or **028 9560 6854**