



Consultation document

Money Advice Plus (MAP) and Surviving Economic Abuse (SEA) are launching this consultation as part of the Domestic and Economic Abuse Project (DEAP), funded by the Department for Digital, Culture, Media and Sport (DCMS) to ask for the views of creditors, the financial services industry and the money and debt advice sector on the development of the Economic Abuse Evidence Form (EAEF).

We would like to see the adoption of the Economic Abuse Evidence Form by all creditors in order to transform and improve the consistency of responses to economic abuse across the sector. The introduction of the EAEF will also support creditors with delivering on the UK Finance Financial Abuse Code of Practice. To support this we aim to roll out the EAEF to money and debt advice services across England.

Consultation period

We are seeking responses to this consultation for three weeks, from 20th June 2019 until 11th July 2019.

We would appreciate if you could address the following questions in your response:

1. Do you agree that the EAEF is needed?
2. Do you agree with the process for the use of the EAEF? For example, the use of the EAEF by money advisers who have had the accredited training in using the form.
3. Do you think the advantages of having an evidence form outweigh the disadvantages?
4. Is there anything else you think we need to consider?

Feedback from this consultation will be gathered and shared with members of a National Working Group.

Why is the EAEF being developed?

The partners have created this form to improve responses by creditor organisations and financial institutions to individuals who have experienced economic abuse.

In our experience victim-survivors have had to share substantial detail, including crime reports and photographs of the physical abuse they have experienced, multiple times with different creditors or operators. This can cause significant distress for the victim-survivor. Equally, this information is given to individuals who are not trained to deal with the graphic detail of domestic abuse, and may be unsupported and unable to manage the emotional response that it can evoke. The form is designed to provide a single document for the creditor where details regarding economic abuse can be accessed when needed by different teams or operators, without the need for the details of the abuse to be repeatedly shared.





This is consistent with the principle within the Financial Abuse Code of Practice published by UK Finance in October 2018. Principle 4 sets out the need for Banks and Building societies to 'minimise the need to repeat one's story in the same organisation'. The use of the form will support creditors in achieving this principle.

Furthermore, creating a single form provides victim-survivors with the confidence that creditors recognise economic abuse and are there to support those experiencing abuse. It will also enable creditors to make better and fairer decisions when supporting victim-survivors of economic abuse and improve outcomes for this group of consumers as a whole.

The EAEF is informed by the successful use of the Debt and Mental Health Evidence Form (DMHEF) which has helped improve responses from the financial industry to individuals experiencing mental health.

In what context would the EAEF be used?

The form has been developed to recognise economic abuse which takes places in the context of intimate partner and family relationships where an individual is experiencing coercive control. Introduced by the Serious Crime Act (2015) this offence recognises that controlling and coercive behaviour is when a person with whom you are personally connected, repeatedly behaves in a way which makes you feel controlled, dependent, isolated or scared. In this context, economic abuse will almost always be perpetrated alongside other forms of domestic abuse, including emotional, physical and sexual abuse.

Victim-survivors of economic abuse are unable to exercise control over their economic resources and this can result in coerced debt. Coerced debt is where an abuser takes control either by making the victim-survivor take out credit in their sole name or by applying for credit in the name of the victim-survivor either with or without their knowledge. This could be by putting the mortgage or utilities in the sole name of the victim-survivor or through an abuser taking out a credit card in the victim-survivor's name. The Economic Justice Project run by Surviving Economic Abuse has found that one in ten women have had debts put in their name by a partner but they were afraid to say no.

Why introduce the form now?

The Government has brought forward a Domestic Abuse Bill which is currently being scrutinised by a Joint Committee. The draft Bill introduces a statutory definition of domestic abuse which recognises economic abuse for the first time

'Behaviour is "abusive" if it consists of any of the following— (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse; (e) psychological, emotional or other abuse.'

What is economic abuse?

The draft Bill also introduces a definition of economic abuse:





“Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to— (a) acquire, use or maintain money or other property, or (b) obtain goods or services.’

This draws on an academic definition of economic abuse used by DEAP:

Economic resources include: money, housing, transportation, utilities such as heating or items such as food or clothing.

It reinforces or creates economic instability, thereby limiting a victim-survivor’s choices and ability to access safety. Lack of access to economic resources can result in women staying with an abusive partner for longer than they would like and experiencing more harm as a result. It is also the primary reason why women return to an abusive partner.

What is the difference between financial abuse and economic abuse?

Financial abuse focuses on abuse using finances and money, for example, a partner restricting someone’s access to money or someone taking out credit in their partner’s name without their knowledge. SEA argued for the term economic abuse to be adopted within the new statutory definition because it considers a broader range of behaviours, including preventing access to economic resources such as food or travel more broadly.

Why should creditors take notice of the EAEF?

As noted above, UK Finance launched the Financial Abuse Code of Practice in October 2018, setting out 6 principles for banks/building societies to adopt:

1. Raising awareness and encouraging disclosure
2. Training of colleagues
3. Identification and appropriate response
4. Minimising the need to repeat one’s story in the same organisation
5. Help to regain control of finances
6. Signposting and referrals

Further details about what needs to be implemented as a minimum in order to meet each principle can be found within the Code.

Eighteen of the largest high street banks/building societies have committed to implement the voluntary code with more expected to follow, raising awareness, training colleagues and introducing other initiatives to help victim-survivors regain more control over their finances.

The Code provides greater awareness of the impact of abuse on a client’s personal and financial circumstances, gives enhanced support to regain control of finances and offers greater consistency in the support individuals receive across providers. Following the code and using the EAEF will help prevent creditors inadvertently exacerbating a customer’s problems and increasing their vulnerability.





From the moment a customer discloses economic abuse, they should be reassured they have made the right decision and that they will be supported throughout the process. Firms already have measures in place and assist victim-survivor based on their individual circumstances; however, the form, alongside the Code, will bring greater awareness and consistency in response across the financial services industry. The development of the EAEF is important for creditors as it will support them to identify economic abuse cases more readily and respond more effectively to those experiencing economic abuse. Victim-survivors of economic abuse currently report varied responses from different banks and building societies, the use of this form will support creditors and the industry to standardise processes and improve the consistency of response to economic abuse across the industry.

Furthermore, the introduction of the EAEF will support creditors to quickly identify where economic abuse is taking place rather than using resources on attempting to collect the debt for a period and then later identifying economic abuse and having to implement a different response.

Case study

"Alice" lives in a shared ownership property with her two children. The client's share of the property is 5%, as the housing association will not buy the entire property back from her. Due to the property being adapted for the client's disabilities and having a direct link to the police for her safety, she did not wish to move. Alice has multiple diagnoses which impact both her physical and mental health and she receives state disability benefits, ESA, PIP and has a Motability vehicle.

Alice experienced domestic abuse and was raped by her ex-partner. He also sexually abused Alice's daughter and physically abused her son, and a police investigation was in process when Alice was referred to us. He would force her to allow him to use her credit cards, and he would push her up against a wall and choke her if she refused. As a result of the abuse, Alice had debts with 3 major lenders which she could not afford to pay off.

Alice had extensive support from local services for her safety and health needs and sought advice for her debts. The money adviser wrote to the creditors requesting write-offs of the debts and included a Debt and Mental Health Evidence Form (DMHEF). One creditor agreed to write off Alice's debt to them of £4,499.13. However, another credit card passed the debt out to a debt collector before recalling it again for reconsideration. They asked repeatedly about the 5% equity in the shared ownership property and observed that Alice appeared to have a catalogue and another credit card, both of which were current. They wanted more information before considering the write-off request. It was explained that the catalogue allowed Alice to purchase clothes without leaving the house, which was extremely difficult for her due to her physical disabilities. The credit card lender agreed to put the case on hold for 30 days whilst they investigated further.





The 3rd credit card lender sent the client a copy of every transaction made since she acquired the card and asked her to mark the transactions which were fraudulent on their fraud claim form. As the cards were at least seven years old, this represented hundreds of pages and evidenced a lack of understanding of economic abuse. Alice found this completely overwhelming and the money advisor wrote back to the credit card company explaining Alice could not relive years of abuse in order to identify specific transactions which had been made by the perpetrator.

Alice's case shows the variety and complexity of economic abuse cases and the varied and complicated responses we receive from lenders/creditors.

Use of the EAEF

Appendix one sets out a suggested process for how the form is used

In initial discussions, it was raised that the EAEF could be misunderstood to apply in other situations which are not abusive, for example an elderly couple where one party has entrusted management of the finances to the other party and there is an absence of fear and control associated with this. For it to be considered as economic abuse there needs to be intent to cause fear and/or harm.

To address this concern, the EAEF will only be completed by qualified money advisers who have received accredited training around the use of this form. The training will differentiate what is economic abuse, how to use the form and identify circumstances that would not be suitable for this form. This training will initially be provided by Money Advice Plus and Surviving Economic Abuse. As demand increases for the accredited training Money Advice Plus and Surviving Economic Abuse may look to partner with suitable organisations to increase capacity for training.

It could be argued that use of the form will have a negative impact on victim-survivors of economic abuse if creditors required the EAEF form in order to recognise economic abuse and take action on it. This would be an issue where it is not possible for victim-survivors to access an accredited money adviser due to multiple factors such as service demand, locality and a lack of awareness of support available.

As with the Debt and Mental Health evidence form, the EAEF should not be considered a mandatory document that creditors require when economic abuse has occurred and it should not be obligatory for a victim-survivor of economic abuse to use the EAEF in order to seek support from a bank and building society.

The form aims to support money advisers in supporting victim-survivors of economic abuse and to improve overall responses from creditors around economic abuse, rather than creating a mandatory pathway for victim-survivors to follow in order to seek support.





Appendix one

Guidance

Who should fill in the EAEF?

The EAEF has been designed to be completed by a debt adviser who has been trained and accredited in economic abuse. It has not been designed for independent use by individuals. The form should only be filled in by a Qualified Money Adviser who has been accredited by DEAP (MAP/SEA) in order to assess whether this is the most appropriate route and is in the best interests of the client.

No agency from the money advice sector is obliged to use the EAEF. It has been designed as a voluntary tool to improve the collection of information about the existence and impacts of economic abuse when communicating with creditors and to introduce standardisation/consistency

When using the EAEF, advisers also need to be aware of their responsibilities under the General Data Protection Regulation (GDPR) May 2018.

The form should always be used with a covering letter and the clients Form of Authority.

Guidance on how to complete

Step 1

The client divulges economic abuse, or the money adviser identifies that someone may be experiencing economic abuse during an appointment. In order for victim-survivors to have to repeat their story as few times as possible it may be suitable for the person to provide a letter on the abuse they experienced from a IDVA or domestic abuse agency.

Step 2

The adviser finds out more about the economic abuse and the effect it has had on client.

This should involve use of the screening tool which can assist with identifying types of coerced debt. Screening questions below:

Did the perpetrator:

01. Keep financial information from your client?
02. Make your client take out a loan/ buy something on credit when they didn't want to?
03. Take out a loan/ buy something on credit in your client's name without their permission?
04. Made your client use their money to buy them things/ pay their bills when your client didn't want to?
05. Put bills in your client's name, leaving your client to pay them?
06. Build up debt in your client's name, by using your client's credit card/ run up phone bill etc.?





- 07. Force or pressure your client to hand over savings/ other assets?
- 08. Stop your client from having/ accessing personal or joint bank account?
- 09. Make your client sign documents without explaining what they were for?

Some of these questions are included in the EAEF form. The advisor should expand on the client's answers further in their covering letter and on the form itself in the 'background history' box or in the 'further details' box (setting out the controlling/coercive context).

Step 3

Writing to creditors.

The advisor should use a covering letter to accompany the client's signed Form of Authority and the completed EAEF. The client's case reference number can be added to the EAEF and the covering letter. The creditor's details can be added to the covering letter along with the perpetrator's name if this is needed. If there is any doubt that the client may be put at risk by divulging their address on the EAEF and the letter, then it should not be included. The advisor would need to blank this out on the Form of Authority as well. The advisor can explain in the covering letter that the client's personal safety is considered high risk and the address cannot be given out to other agencies. Even inclusion of a refuge PO Box address may increase at risk due to the postcode showing the area in which the client is living.

In some cases, the perpetrator may still be living at an address which is associated with previous debts. If so, the advisor must clearly state on the form that no letters containing information about the client's current address should be sent to the former address.

Step 4

Use any supporting evidence such as support letters from police, any crime reference numbers, support letters from domestic abuse support workers/social workers and any other information that can support the client's request.

Why should creditors take notice of the EAEF?

In October 2018 UK Finance launched the Financial Abuse Code of Practice.

The code implements 6 principles: -

1. Raising awareness and encouraging disclosure
2. Training of colleagues
3. Identification and appropriate response
4. Minimising the need to repeat one's story in the same organisation
5. Help to regain control of finances
6. Signposting and referrals

Further details about what needs to be implemented as a minimum in order to meet each principle can be found within the Code.





The Code provides greater awareness of the impact of abuse on a client's personal and financial circumstances, gives enhanced support to regain control of finances and offers greater consistency in the support individuals receive across providers.

From the moment a customer discloses a case of economic abuse, they should be reassured they have made the right decision and that they will be supported throughout the process. Firms already have measures in place and assist victim-survivor based on their individual circumstances; however, the Code will bring greater awareness and consistency in response across the financial services industry.

Eighteen of the largest high street banks/building societies have committed to implement the voluntary code with more expected to follow, raising awareness, training colleagues and introducing other initiatives to help victim-survivor regain more control over their finances.

Is the EAEF copyrighted?

MAP and SEA hold the copyright to the EAEF as part of DEAP. However, debt advisors are encouraged to use, photocopy, or disseminate the EAEF in its entirety, as long as this is for non-profit making purposes only. Any requests to revise, alter, or reproduce questions from the EAEF for any purpose, need to be authorised by MAP and SEA.





Appendix two: Proposed form

This form is to be used when you have identified that a client has experienced economic abuse within the context of coercive control. When completed, this form can be sent to creditors and used as supporting evidence. Only a qualified Money Adviser who has been accredited by DEAP (MAP/SEA) should fill in this form.

Client's full name: Click here to enter text

Date of birth: Click to enter a date

Address: Click here to enter text

Is it safe to share this? Consider whether disclosing this information to creditors may put the person at greater risk.

Reference number: Click here to enter text

The client has given their permission for you to fill in this form (signed authority enclosed). Please provide any supporting evidence about the abuse experienced.

What is the background/history of domestic/economic abuse?

Click here to enter text

Police Crime Reference Numbers if applicable:

Click to enter text

Did the perpetrator:

- | | | |
|---|------------------------------|-----------------------------|
| 1. Keep financial information from the client? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 2. Make the client take out a loan/ buy something on credit when the client did not want to? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 3. Take out a loan/ buy something on credit in the client's name without permission? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 4. Make the client use their money to buy them things/ pay their bills when the client did not want to? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 5. Put bills in the client's name, leaving the client to pay them? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 6. Build up debt in the client's name, by using the client's credit card/ run up phone bill etc.? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 7. Force or pressure the client to hand over savings/ other assets? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 8. Stop the client from having/ accessing personal or joint bank account? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| 9. Made the client sign documents without explaining what they were for? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |



Economic and Financial Abuse Evidence Form (version 1)



Give further details of the economic abuse here.

Click here to enter text

What was the approximate date when:

the economic abuse first started? [Click here to enter text](#)

the client became aware that that they experienced economic abuse? [Click here to enter text](#)

the most recent incident of economic abuse occurred? [Click here to enter text](#)

Is economic abuse currently ongoing? YES NO

Is there anything else we should know about the person?

Click here to enter text.

Please consider any health problems, any relevant safety issues, e.g. do not disclose their address, risk factors, do not write to previous address, do not update credit files with their new address where there may be financial associations and any other relevant information.

Organisation name: [Click here to enter text](#)

Address: [Click here to enter text](#)

Adviser name: [Click here to enter text](#)

Signature: [Click here to enter text or insert an image](#) **Date:** [Click to enter a date](#)

