

Child Tax Credit, Universal Credit and Income Support – Guidance for third parties



Department
for Work &
Pensions



HM Revenue
& Customs

Guidance for Third Parties – Support for a child conceived without the claimant’s consent

Please note there is a separate form and guidance for claimants living in Northern Ireland.

This guidance is for claimants living in England, Scotland and Wales only.

You can download the form this guidance is for from

www.gov.uk/government/publications/support-for-a-child-conceived-without-your-consent

Overview of the policy

Since 6 April 2017 families are usually able to claim support through Child Tax Credit, Universal Credit or Income Support for up to two children.

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

There may also be support for other children if they were born before 6 April 2017 or if an exception applies.

One of those exceptions applies for third and subsequent children 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 biological parent of the child at or around the time of the conception.

In either case the exception cannot apply if the claimant is still living with the other biological parent of the child. You will not be required to ask the claimant if they are living with the other biological parent, as the claimant will confirm this as part of their declaration within the form.

Purpose of this form

The government has chosen to develop a third party model approach to help to establish that claimants qualify for this exception.

Approved third parties have been chosen owing to their positions that already support individuals in sensitive circumstances. These are healthcare professionals, specialist support workers from an approved organisation as listed at www.gov.uk/government/publications/support-for-a-child-conceived-without-your-consent or registered social workers.

Please note that ticking a box on the corresponding form 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 agencies or workers to seek any further documentation or evidence to confirm the circumstances.

This model means claimants are not placed in the position of having to give sensitive details to DWP or HMRC officials, but to professionals who are best placed to offer relevant additional support. DWP or HMRC will administer and make the decision regarding entitlement.

Please offer whatever additional support you feel appropriate to the claimant. Additional support links are listed at the end of this document.

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 the form that this guidance applies to in order to qualify for the exception:

- 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
- an award from the Criminal Injuries Compensation Authority (or from Compensation Services in Northern Ireland). This must be in respect of a relevant sexual offence, physical abuse or mental injury, where this relates to the conception of a child

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 activities 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 biological 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 all of 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 DWP if they are claiming Universal Credit or Income Support, or HMRC if they are claiming child tax credit.

Other key requirements

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

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 tick any boxes which meet the circumstances the claimant is describing.

As different people will behave in different ways, please do not pre judge how an individual in these circumstances may behave when talking about their experience.

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.

There is no requirement for you to seek any further documentation or evidence to confirm the circumstances.

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. DWP or HMRC 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.
3. What should the claimant do with the form after completion?
 - a. It is the responsibility of the claimant to return the form to DWP or HMRC. There is guidance on the final page of the form to assist them doing so. HMRC or DWP may contact you to confirm your authentication.
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 effects 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 the government handle this sensitive data?
 - a. The government will handle this extremely sensitive information discreetly and confidentially, in line with its strict data protection rules. Any benefit award notices sent to claimants will not include the reason for the additional support for the child.
6. What external support can I offer the claimant or direct them to?
 - a. Please see the section **Assisting victims of rape, sexual abuse and domestic abuse** on the next page.

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)** – Some areas of the UK have SARCs, use the NHS Choices tool to find one in your area. Search Sexual Assault Referral Centres at www.nhs.uk or go to www.nhs.uk/service-search/Rape-andsexual-assault-referral-centres/Location/364
- **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** www.thesurvivorstrust.org
- **Rape Crisis England and Wales** – is a national umbrella body for a network of independent member Rape Crisis Centres who provide specialist support for victims and survivors of rape, sexual violence and childhood sexual abuse. National Telephone helpline **0808 802 9999** or visit www.rapecrisis.org.uk/contact.php
- **The National Domestic Violence Helpline (England)** – is run jointly by Women’s Aid and Refuge and is a 24-hour, free phone service. Phone **0808 2000 247** or visit www.nationaldomesticviolencehelpline.org.uk
- **Rape Crisis Scotland** – phone **0808 801 0302** or visit www.rapecrisisscotland.org.uk
- **Scottish Domestic Abuse and Forced Marriage Helpline** – a free 24-hour helpline staffed by specially trained workers and volunteers managed by Scottish Women’s Aid. Phone **0800 027 1234** or visit www.natdomesticabuseforcedmarriagehelpline.org.uk
- **The Survivors Trust Cymru** – specialist support agencies in Wales for survivors of rape, sexual violence or childhood sexual abuse. Phone **0808 801 0818** or visit www.survivorstrustcymru.org
- **Welsh Women’s Aid** – is a national charity and umbrella organisation that has member agencies across Wales which provide support for survivors of domestic abuse, sexual violence and other form of violence against women. More information and contact details at www.welshwomensaid.org.uk
- **Wales Live Fear Free Helpline** – a free 24-hour helpline run by Welsh Women’s Aid providing anyone in Wales with specialist support and information on domestic abuse, sexual violence and any form of violence against women. Phone **0808 80 10 800** or visit www.livefearfree.gov.uk

- **Victim Support** – is an independent charity offering support to people affected by crime or traumatic events. Phone **0808 168 9111** or visit www.victimsupport.org.uk
- **The National Stalking Helpline** – provides guidance and information to anybody who is currently or has previously been affected by harassment or stalking. Phone **0808 802 0300** or email advice@stalkinghelpline.org
- **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-supportvictims-sexual-assault-and-rape
- **NEXUS NI** – operates across Northern Ireland to respond to people 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 **0845 303 0900** 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. Visit www.relateni.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.gov.uk/guidance/claiming-benefits-for-2-or-more-children

If you are an approved third party professional and have a question about how to complete the form, please call:

HMRC Tax Credit Helpline **0345 300 3900**, or DWP on **0800 328 7844**