

## Factsheet

For single parents in England and Wales August 2017

Freephone

0808 802 0925

Gingerbread Single Parent Helpline

## Action to take when a relationship ends

There is a lot to think about when a relationship ends, especially when you have children. You may be worried about money, where you will live and what the future holds. There can also be difficult issues to address with your ex-partner, such as working out arrangements for your children. As well as sorting out the practicalities, it is important to remember your emotional needs and those of your children, and to get support if you need it.

This factsheet has checklists of things to think about and do when a relationship ends, and how to decide what to tackle first. Contact details for useful organisations are on page eight.

If you have come from abroad you should get advice from an immigration specialist; you may not be entitled to the benefits mentioned in this factsheet, and your separation may affect your immigration status. See page eight for organisations that can help. To discuss your particular circumstances call the Gingerbread Single Parent Helpline on 0808 802 0925. Calls are free.

### What to do straight away

The following should be dealt with urgently. Depending on your situation you might need urgent legal advice.

- 1 Protect yourself and your children
- 2 Know your housing rights
- 3 Claim benefits and tax credits
- 4 Contact your bank
- 5 Protect joint assets.

#### 1. Protect yourself and your children

If you are experiencing, or have experienced violence, or if you don't feel safe to stay in your home, contact the [National Domestic Violence Helpline](#) – see page eight. Domestic violence takes different forms and could be emotional abuse, physical or sexual violence, or excessive control over money. The helpline can help you plan to leave your home if you need to, and can refer you to safe emergency accommodation.

If your ex-partner is violent and refuses to leave, you can apply for an order for you to stay in the home, and to make your ex-partner leave. A solicitor can help you apply, and you may be able to get help with the costs through legal aid. To find a solicitor contact [Civil Legal Advice](#) – see page eight.

#### 2. Know your housing rights

Your housing rights will depend on what type of housing you live in, and whether you are married or in a civil partnership, or cohabiting when the relationship ends.

If your ex-partner is violent and refuses to leave the home, you can apply for a court order to help you to stay in the home and make your ex-partner leave. This is called an occupation order. Get legal advice from a solicitor, who can help you apply. You can also call the [National Domestic Violence Helpline](#) for further advice – see page eight for details.

There is additional information in our factsheet [Housing options for single parents](#). For specialist housing advice contact [Shelter](#) – see page eight.

#### If the home is owned or mortgaged

The following information applies if your home is mortgaged or owned outright. You may have a financial interest in the property even if your name is not on the title deeds or registered as an owner in the Land Register.

If you and your ex-partner cannot agree in the long term you can use mediation, arbitration or the legal system. You can find further information about your options in our factsheet [Help when you can't agree](#).

**You own the home jointly with your ex-partner**

Whether you are married, in a civil partnership, or cohabiting, both you and your ex-partner have a right to stay in the home, as you are both legal owners. You both also have the right to return to the property, even if you have agreed that one of you will leave. If you have been excluded from the home, you can ask a court to enforce your right to return, unless a court has already made an order to prevent you from being in the home.

There are two different types of joint ownership - 'joint tenants' and 'tenants in common':

- Joint tenants do not have a specific share and instead both own the whole property jointly.
- Tenants in common each have a specific share in the property which may be equal or different to the other person's share.

You should check what type of joint ownership you have. If you are joint tenants, the whole property would pass to the other joint tenant if one joint tenant dies. In contrast, if you are tenants in common, you are each able to choose to leave your specific share of the property to whoever you want to by making or altering a will. If you are joint tenants, you may wish to seek legal advice about changing this to tenants in common if you don't want the whole property to pass to your ex-partner in the event of your death.

See the factsheet [Getting legal help](#) for more information about how to get legal advice. Also see page seven about making or altering a will.

**Your ex-partner owns the home, and your name is not on the title deeds or registered as an owner in the Land Register.**

■ **You're married or in a civil partnership**

You have 'home rights' which give you a right to stay in the home. You need to take action to prevent your ex-partner from selling or mortgaging the property without your knowledge. You should register your home rights by contacting the Land Registry – see page eight. You can find more information about registering your home rights on the [gov.uk website](http://gov.uk)

■ **You're not married or in a civil partnership**

You do not have an automatic right to remain in the home. You may be able to apply for a court order that allows you to stay in the home for your child's benefit. In addition, you may, in certain situations, have an interest in the property. This may be the case if you had contributed toward the cost of the home, or that the intention of you and your ex-partner was that it was your property too. This is a very complicated area of law, and you will need specialist legal advice if you think this may apply to you.

**You own the home, and your ex-partner's name is not on the title deeds or registered as an owner in the Land Register.**

■ **You're married or in a civil-partnership**

Your ex-partner will have 'home rights' which give them a right to stay in the home. You cannot make your ex-partner leave the property if they don't agree to go. If you and your ex-partner cannot agree you can use mediation, arbitration or the legal system.

■ **You're not married or in a civil partnership**

Your ex-partner does not have an automatic right to stay in the home, and you can ask them to leave, as long as you give them reasonable notice. If your ex-partner has made a financial contribution to the home, or you previously agreed with them that they had a stake in the property then they may be able to claim an interest in the property. It is up to your ex-partner to prove this.

**If your home is rented**

**You have a joint tenancy with your ex-partner**

Whether you are married, in a civil-partnership or cohabiting, you have a right to stay in the home, and the court can enforce this right.

If your ex-partner gives the landlord notice that they intend to leave the property, this may also end your tenancy. Your landlord may agree to transfer the tenancy to your name only. If your ex-partner leaves and refuses to pay the rent, you are liable to pay all the rent and any arrears owing, even though you are joint tenants. Check if you're entitled to housing benefit to help with the cost of the rent – see page four.

A court can make an order to allocate the tenancy (whether it is with a private landlord, council, or housing association) to one of the tenants. The order is likely to be in favour of the person who has the children living with them most of the time.

### Your tenancy is just in your ex-partner's name

#### ■ You're married or in a civil-partnership

You will have 'home rights' which give you a right to stay in the home. A court could order that the tenancy is transferred into your name on divorce or dissolution of the civil-partnership.

#### ■ You're not married or in a civil-partnership

You do not have an automatic right to stay in the home unless a court order is made. You can apply to the court for a tenancy to be transferred into your name if it would benefit the children. You will need legal advice to do this. If you have to leave the property, you can apply for housing from your local council as a homeless family.

### Your tenancy is just in your name

#### ■ You're married or in a civil partnership

Your ex-partner will have 'home rights' which give them a right to stay in the home. You cannot make your ex-partner leave the property if they don't agree to go. It will be a matter of negotiation and you may need legal advice.

#### ■ You're not married or in a civil partnership

Your ex-partner does not have an automatic right to stay in the home, and you can ask them to leave, as long as you give reasonable notice.

### You're considering leaving the home

You should think about where you will live over the following months and years, not just in the immediate future. Unless you need to leave the home urgently because there is a risk of violence, get advice about your rights before you leave.

### Can I afford to stay?

Once you have found out what rights you have to stay in the home, you need to consider if it's affordable. You might assume that you can't afford to make a mortgage payment by yourself, or that you won't be able to cover the rent alone. Make sure you check everything that you are entitled to before deciding whether you can or can't afford to stay, as you may be eligible for help. Call the Gingerbread Single Parent Helpline for a benefits check and to discuss child maintenance.

### What if we can't agree?

If you and your ex-partner find it difficult to reach agreement about the family home, read the factsheets [Help when you can't agree](#) and [Getting legal help](#) for information on your options. Resolution also provides information about [alternatives to court](#). See page eight for their contact details and website.

### 3. Claim benefits and tax credits

Separating from your partner could mean that you become entitled to benefits and tax credits that you weren't entitled to as a couple, or the amount you receive might increase based on your new circumstances.

If you were claiming benefits as a couple, you need to tell the relevant benefit agencies straight away to avoid a penalty and being overpaid or losing out on money. Depending on which benefits you claim you may need to contact [Jobcentre Plus](#), Her Majesty's Revenue and Customs (HMRC) and [your local council](#). You can call the Gingerbread Single Parent Helpline to check your benefit entitlement.

If you have permanently separated from your partner you can claim benefits as a single person straight away. You may not be able to claim if your separation is temporary or on a trial basis and there is a chance you will get back together. It may also be more difficult to claim if you are still living in the same house, although it is sometimes possible. In these circumstances contact the Gingerbread Single Parent Helpline for more advice.

Benefits agencies do sometimes use credit reference agencies to check who is registered as living at your address. If your ex-partner is moving out make sure that they change their address with their bank and other agencies so that they are no longer registered at your address. Make sure that their name is taken off any utility bills and the council tax bill. If their post continues to come to your home this may cause problems later on. Keeping a record of which organisations have been contacted and when will help you and your ex-partner stay on track.

The benefits you may be entitled to are listed on page four.

<b>Benefits you may be entitled to</b>		
<b>Benefit</b>	<b>Who is it for?</b>	<b>Where to apply?</b>
<b>Child benefit</b>	Parents who have day-to-day responsibility for a child under the age of 16 or under the age of 20 if they are in full-time non-advanced education or training. If you receive child benefit and your income is over £50,000 a year you will have to pay an additional tax called the 'high income child benefit charge'.	<a href="#"><u>HMRC child benefit helpline</u></a>
<b>Child tax credit</b>	Parents who have day-to-day responsibility for a child under the age of 16 or under the age of 20 if they are in full-time non-advanced education or training.	<a href="#"><u>HMRC tax credit helpline</u></a>
<b>Income support or jobseeker's allowance</b>	Parents who do not work or work less than 16 hours a week may be able to claim. See our <a href="#"><u>factsheet</u></a> for more information.	<a href="#"><u>Jobcentre Plus</u></a>
<b>Employment and support allowance</b>	If you have a health condition or disability you may be entitled to this benefit instead of Jobseekers allowance or Income support. See our <a href="#"><u>factsheet</u></a> for more information	<a href="#"><u>Jobcentre Plus</u></a>
<b>Council tax reduction schemes</b>	Those responsible for paying the council tax bill. Whether you are entitled depends on your local scheme. Contact your local council for details.	<a href="#"><u>Local council</u></a>
<b>Housing benefit</b>	Help for people who rent their home. You may be able to claim even if you are working. Whether you are entitled depends on your income and savings.	<a href="#"><u>Local council</u></a>
<b>Working tax credit</b>	Help for single parents who work 16 hours a week or more. The amount you get depends on how much you earn. You may be able to get help with the cost of childcare. See our <a href="#"><u>factsheet</u></a> for more information.	<a href="#"><u>HMRC tax credit helpline</u></a>
<b>Budgeting loan</b>	Those in receipt of income support, income-based jobseeker's allowance, income-related employment and support allowance or pension credit and have been in receipt of one of these benefits for at least 26 weeks. You may be able to get an interest-free loan for items such as furniture, clothing, advance rent or travel expenses.	<a href="#"><u>Jobcentre Plus</u></a>
<b>Universal credit</b>	Universal credit is a new benefit system that will replace many of the current benefits and tax credits. Families with children who are claiming benefits for the first time in selected jobcentres may claim universal credit. For more information on universal credit and how it may affect your family you can visit the <a href="#"><u>Gingerbread website</u></a> or call our <a href="#"><u>helpline</u></a> .	<a href="#"><u>Jobcentre Plus</u></a> (only in areas that are offering universal credit to families)

#### **4. Contact your bank**

It is important to deal with joint bank accounts quickly. You should take steps to prevent the account being used without your permission or have the account closed. If your ex-partner runs up an overdraft facility, you will be liable to repay the money, so it is important to notify your bank of the situation.

You can contact your bank to cancel the mandate (the instruction to the bank) that was signed by both of you when the account was opened. The arrangement can be changed so that withdrawals can only be made with both signatures, or the account can be closed and a separate one opened. If you have used an overdraft facility on the account the bank is unlikely to agree to close it, so you will need to negotiate with your ex-partner about how it will be repaid. The bank might freeze the account if you tell them you are separating, or if either of you ask them to freeze the account. It can only be unfrozen with permission from you both. If possible, speak with your ex-partner about the accounts so that you can both access the money you need until new accounts are set up.

If you do not have your own bank account, you will need to open one. For advice on opening a bank account contact the **Money Advice Service** – see page eight.

Take steps to deal with any credit cards you both use. You cannot get joint credit cards, but you can have an additional card holder. If a credit card is in your name and your ex-partner is an additional card holder, you may wish to contact the credit card company to make sure the card is stopped.

#### **5. Protect joint assets**

If you are married or in a civil partnership, you can apply to the court for an order to prevent your ex-partner from selling or giving away property or other assets. You will usually have to start divorce (dissolution for civil partners) proceedings first. You will need to provide as much information as possible about the assets and prove to the court that they are likely to be sold or disposed of. You should get help from a solicitor to do this.

## **What to do next**

The following should be dealt with shortly after separation. The best time to do them will depend on your individual circumstances and whether you have urgent tasks to deal with.

- 1** Work out arrangements for the children
- 2** Make arrangements for child maintenance
- 3** Get advice about debts
- 4** Make a will

### **1. Work out arrangements for the children**

It is usually in the best interests of a child to spend time with both of their parents, as long as it is safe. There are no set rules about what the arrangements for children should be; it is up to you and your child's other parent to make an arrangement that works for your child. You should always keep your child's needs at the heart of your decision making.

Where will your child live and when will they spend time with each parent? Every family situation is different. Some choose to have an arrangement where the child spends time and sleeps over at both parents' homes on a regular basis. In other families the child will live with one parent all or most of the time, and make visits to see their other parent. Whatever agreement you come to, it's important that it works for you as a family.

For more information on making decisions about when your child will spend time with each parent see the Gingerbread factsheet **[Making arrangements for your children.](#)**

### **2. Make arrangements for child maintenance**

The Child Maintenance Options service can tell you about your options for organising child maintenance, including setting up a family-based arrangement with your ex-partner. This means you organise the maintenance informally between yourselves. Alternatively, you can apply to the Child Maintenance Service to assess and collect maintenance.

For more information, read the factsheet **[Making arrangements for child maintenance,](#)** which outlines your options for arranging child maintenance.

### **Maintenance if you are married or in a civil partnership**

If you're married or in a civil partnership, you may be able to apply to the courts for maintenance for yourself. This means that your former partner pays money for your needs, not just those of your child. You would need advice from a solicitor on whether this is worth pursuing, as any payments would have to be realistically affordable, will depend on your particular circumstances and your legal costs may be expensive.

### **3. Get advice about debts**

You are responsible for any bills or debts that are in your name, even if you have not spent the money. You and your ex-partner are also responsible for debts that are in joint names. If your ex-partner refuses to pay a joint debt you may be asked to repay all of it. You should not be responsible for debts that are in your ex-partner's name only.

Start by getting specialist advice to work out which debts you must pay and what your options are for dealing with them. See page eight for organisations that provide free specialist debt advice.

### **4. Make or alter a will**

If you have not made a will, you should do so now to ensure that any assets you have are left to the people you want to leave them to. If you are married or in a civil partnership and have separated but not yet divorced, your ex-partner could be entitled to your assets if you don't make a will. If you made a will before your separation it will still be valid, so it may need to be changed.

You might need to appoint a guardian for your child in the event of your death. If you are the only person with parental responsibility this is particularly important. See the Gingerbread factsheet [Parental responsibility](#).

<b>Checklist of people to tell</b>		
<b>People to tell</b>	<b>Things to think about</b>	<b>Done</b>
<b>Your mortgage lender or landlord</b>	Find out what your rights are to stay in the property and any options you have first. Contact the Gingerbread Single Parent Helpline for advice on whether you can claim housing benefit or help with paying your mortgage.	
<b>Land Registry</b>	If you are married or in a civil partnership, your ex-partner owns the property and your name is not on the title deeds or registered as an owner in the Land Register, you should register your home rights - see page two for further information	
<b>Jobcentre Plus</b>	If you claim benefits from Jobcentre Plus tell them about your change in circumstances. The benefits you are able to claim as a single parent will depend on your circumstances.	
<b>HMRC</b>	If you claim tax credits you need to tell HMRC about your change in circumstances within one month. You may be able to make a new claim for tax credits and you may receive more than you did as a couple. If child benefit is paid to your ex-partner you will need to apply for the benefit to be paid to you.	
<b>Your local council</b>	If you receive housing benefit or help with your council tax, tell your local council about your change in circumstances. If you don't receive help at the moment you may be able to make a claim for the first time.	
<b>Council tax</b>	To get a 25 per cent reduction on your bill, tell the council tax department at your local council if you are the only adult in your property.	
<b>Your bank</b>	Sort out joint accounts and credit cards (see page three).	
<b>Utility companies</b>	Tell your gas, electricity, water and telephone company. You may need to change the name on the bill. Take meter readings and use these to negotiate payment with your ex-partner. Ask your supplier for their policy on dealing with joint debts when a couple has separated. They can also provide financial assistance in some circumstances.	
<b>Insurance companies</b>	For example, home, car or life insurance policies may need to be notified of the change. This may also involve writing or updating your will.	
<b>Your employer</b>	If the person who should be contacted in an emergency has changed.	
<b>Private pension companies</b>	If relevant, you may wish to change the name of a nominated beneficiary in the event of your death.	
<b>Your children's school</b>	To help teachers understand any unusual behaviour and so they can tell you if your child experiences difficulties. Tell the school if the person who collects your child changes. They will also need contact details for both parents in case of an emergency and to send reports etc. It will help if you can make clear decisions with your ex-partner about how each of you will be involved with the school.	
<b>Your GP and other health professionals</b>	You may need to change the details of the person who is notified about appointments or contacted in case of an emergency.	
<b>TV licensing authority</b>	If you have a TV, you will need to tell them about changes to ownership or address.	
<b>DVLA</b>	Tell the Driver Vehicle Licensing Authority if you have a vehicle and there is a change of ownership or address.	
<b>Post Office</b>	If necessary, you can ask the Post Office to redirect your mail.	

## **Useful organisations**

### **Office of the Immigration Services**

**Commissioner**

**0345 000 0046**

**[www.oisc.gov.uk](http://www.oisc.gov.uk)**

For information on organisations/solicitors that give immigration advice.

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### **Refugee Council**

**[www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)**

Advice for refugees and asylum seekers.

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### **Child Maintenance Options**

**0800 988 0988**

**[www.cmoptions.org](http://www.cmoptions.org)**

Provides information on your options for setting up child maintenance payments.

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### **Citizens Advice**

**England: 08444 111 444**

**Wales: 08444 77 20 20**

**[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)**

Information and advice on a wide range of issues including benefits and tax credits.

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### **Civil Legal Advice**

**0345 345 4345**

**[www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)**

Can assess your eligibility for legal aid and signpost to local sources of help.

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### **Step Change Debt Charity**

**0800 138 1111**

**[www.stepchange.org](http://www.stepchange.org)**

Charity providing free, independent debt advice and debt management plans.

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### **Jobcentre Plus**

Telephone: **0800 055 6688**

Textphone: **0800 023 4888**

**[www.gov.uk/contact-jobcentre-plus](http://www.gov.uk/contact-jobcentre-plus)**

To make a new claim for benefits.

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### **Land Registry**

**England: 0300 006 0411**

**Wales: 0300 006 0422**

Registers property and property rights.

Also see: **[www.gov.uk/stay-in-home-during-separation-or-divorce](http://www.gov.uk/stay-in-home-during-separation-or-divorce)**

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### **Money Advice Service**

**England: 0800 138 7777**

**Wales: 0800 138 0555**

**Typetalk: 18001 0300 500**

**[www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk)**

Free, independent advice on money and budgeting.

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### **National Debtline**

**0808 808 4000**

**[www.nationaldebtline.org](http://www.nationaldebtline.org)**

Free, confidential debt advice. Factsheets and sample letters also available via the website.

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### **National Domestic Violence Helpline**

**0808 2000 247**

**[www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk)**

Freephone 24-hour helpline run in partnership between Women's Aid and Refuge. It is a national service for women experiencing domestic violence or their friends or family. An interpreting service is available.

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### **Resolution**

**01689 820272**

**[www.resolution.org.uk](http://www.resolution.org.uk)**

Association of solicitors specialising in family law, who adopt a constructive, non-confrontational approach to family problems. They can provide a list of local members. The website contains free information on issues such as separation, parenting apart and child maintenance.

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### **Shelter**

**0808 800 4444**

**[www.shelter.org.uk](http://www.shelter.org.uk)**

Provides information and advice about housing issues.

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### **Child Benefit Helpline**

**0300 200 3100**

**[www.gov.uk/child-benefit](http://www.gov.uk/child-benefit)**

For information about child benefit, to report a change of circumstances and to make a claim.

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### **Tax Credit Helpline**

**0345 300 3900**

**[www.gov.uk/claim-tax-credits](http://www.gov.uk/claim-tax-credits)**

For information about tax credits, to report a change in circumstances and to make a claim.

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## Further help and information

Gingerbread  
Single Parent Helpline

Freephone 0808 802 0925

[www.gingerbread.org.uk](http://www.gingerbread.org.uk)

Provides free, confidential advice for single parents. No matter the challenge – around your finances, contact arrangements or help you could receive – our trained advisers are here with tailored advice that works for you.

One Parent Families Scotland  
Lone Parent Helpline

Freephone 0808 801 0323

[www.opfs.org.uk](http://www.opfs.org.uk)

Run by our partner organisation, One Parent Families Scotland, the Lone Parent Helpline provides free, confidential advice and information for single parents in Scotland.

### More from Gingerbread

The following related Gingerbread factsheets for single parents are also available:

- > [Looking after your emotional health](#)
- > [Support for children and young people](#)
- > [Making arrangements for your children](#)
- > [Making arrangements for child maintenance](#)

- > [Using the Child Maintenance Service](#)
- > [Parental responsibility](#)
- > [Help when you can't agree](#)
- > [Getting legal help](#)
- > [Housing options for single parents](#)

Download them [from our website](#)

### Become a Gingerbread member

Membership is available to single parents in England and Wales. Join a community of thousands of single parents who benefit from the mutual support, free advice and information provided by Gingerbread.

You can also meet other single parents at one of our local support groups.

Visit our [website](#), call 020 7428 5424 or email [membership@gingerbread.org.uk](mailto:membership@gingerbread.org.uk)

**Gingerbread**  
Single parents, equal families

Gingerbread, the charity for single parent families, is registered in England and Wales as a company limited by guarantee, no. 402748, and a registered charity, no. 230750. The Gingerbread Single Parent Helpline is supported by the Department for Education, HMRC, The Big Lottery and other funders and is accredited by the Helplines Partnership.



LOTTERY FUNDED



[www.gingerbread.org.uk](http://www.gingerbread.org.uk)

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