

February 2021



# Spotlight



## On Research and Campaigns

*Hello and welcome to another issue of Spotlight.*

*All of the issues raised here are firmly placed in the twin contexts that have affected us all over recent months and years – Brexit and Covid-19.*

*We highlight some of the barriers that EU citizens are facing in applying for Settled Status following Brexit. This particularly affects vulnerable people that do not have access to digital service. I am pleased to say that our Support Workers are on hand to provide advice and assistance – do please refer clients to us for help.*

*We are also supporting the #keepthelifeline campaign, to keep the £20 per week uplift for Universal Credit. We have seen a huge increase in the number of people that we help with Universal Credit claims since the onset of the pandemic and we know how important this extra money has been for people at a very difficult time. We are aware that there are likely to be additional pressures on household expenditure in coming months, so it is vital that we keep this extra help.*

*We also highlight our energy campaign, which has saved thousands of pounds for clients that we have helped. Our energy advice will be ever more important as the energy cap is due to be increased and is likely to lead to increased energy costs. We are here to help people, make savings and reduce bills.*

*Finally, I am proud of our work to raise awareness of scams and our new Access to Justice Campaign, led by one of our student volunteers. I look forward to seeing the impact of that work.*

*Please do get in touch if you have any questions, comments, or ideas for future work.*

*Simon Richards*

*Chief Officer*

*Citizens Advice South Lincolnshire*



## EU Settlement Scheme Issues.

*(Peter & our EUSS team)*

EU citizens living in the UK before 31/12/2020 need to apply for either Settled Status if they have lived here for 5 years or more or pre-Settled Status if less than 5 years. This process needs to be completed by 30<sup>th</sup> June of this year if those citizens are to retain their entitlement to stay in the UK along with the rights that they currently hold. For most applicants, the process is quick and easy, being principally based on online applications.



However, problems have affected a minority of applicants, mostly concerning providing documents to prove residence in the UK in the years stated. Some clients have no access to IT or the internet which makes the process more difficult.

Home Office funding has been provided to appoint dedicated team of Citizens Advice advisers at CASL to help resolve the issues with clients throughout Lincolnshire. The case studies illustrate some of the issues that they have encountered and helped clients sort out:

- A man in his 80s with an Italian passport, who has lived in the UK for 60 years with his British wife wanted to apply for Settled Status. He has no access to a computer and, because of COVID-19 restrictions cannot ask family members to help. This means he cannot verify his documents digitally so is required to travel to an office with the papers.
- A 70-year-old EU citizen who has lived in the UK for 45 years with no computer or IT skills wants to send her documents digitally. A friend offered to help her using the computer at the local library, but COVID-19 rules mean that this is not allowed. The client was offered an appointment to take the documents to Wisbech, but this would take 3 hours to get there and back by public transport.
- A 77-year-old woman originally from an EU country has lived in the UK for 53 years. She applied for Settled Status, but the Home Office then asked for proof that she had spent at least 6 months of every one of the last 5 years in the UK. This was even though in all her years in the UK she has either worked, paying tax and National Insurance, or been retired on State Pension.

Several clients who have been in the UK since before 1989 like those above are helped by the team to apply via the Windrush Scheme for a document of proof of right to remain in the UK.

- A 35-year-old Romanian, applying for pre-Settled Status, found that he could not upload the required documents on his mobile phone. The phone is his only means of accessing the internet but is not sufficiently up to date to carry out this task. A member of the EUSS team obtained permission to intervene on the client's behalf and help him progress his claim.

EUSS Resolution Centres have been set up to sort out problems. However, they seem to be exceedingly difficult to contact by phone.

- One client who was having problems due to the lack of a biometric strip in her passport was left 1 hour on hold trying without getting through to speak to someone.

- A 64-year-old female client reported that ID documents appear to have been lost during her application. She failed to get through to the Resolution Centre even after numerous attempts and an exceptionally long time on hold.



If any EU Citizen needs help in resolving issues around getting Settled or pre-Settled Status, they should contact our EUSS team for help as a matter of urgency.

Further details of the EUSS help that we offer can be found on the Citizens Advice South Lincs website at <https://www.citizensadvice-southlincs.org.uk/eu-settlement-scheme/>, phone 08004480734.

## #KeepTheLifeline Campaign

This statement was issued by Citizens Advice regarding the campaign to retain the £20 per week increase in Universal Credit:

*We welcomed the Government's decision at the start of pandemic to increase Universal Credit and Working Tax Credits by £20 a week. This uplift has provided a lifeline for millions of families across the UK, during extraordinarily tough times.*

*The uplift is only in place until April 2021. We are calling for it to be made permanent and extended to legacy benefits, to provide financial security for millions of people and help support the country's longer term economic recovery.*

## Renting update.

(Peter)

In the last issue of Spotlight, we promised an update on renting in the private sector.

However, owing to continuing lockdown, the government has further extended the pause on most types of eviction until March 31<sup>st</sup>, and this appears to have alleviated or delayed eviction problems. In fact, the only recent Evidence Form relating to this reported on a client who is a landlord.



Other rental issues reported to us recently have related to the following:

A client who was being pressurised to leave his rented room because he had tested positive for Covid-19.; students unable to escape their rental contracts even though they are currently studying at home; unfit rental property; abuse of deposit; difficulties for those on benefits in finding rental accommodation.

In future issues of Spotlight, we will report of the effect of the easing of lockdown and restrictions on eviction.

## Access to Justice: A Campaign

(Amelia)

The Research and Campaigns team is embarking on a campaign to help local people access legal help more easily.

### *The Background. A Justice System on Life Support*

In a talk where he set out his vision of the 'rule of law', Lord Bingham (2007) stated that 'the rule of law plainly requires that legal redress should be an affordable commodity. That it should also be available without excessive delay is so obvious as to make any elaboration unnecessary'. Lord Bingham makes it clear that access to justice is the beating heart of any functioning legal system. However, our system is on life support, crumbling away before our very eyes. Consecutive government cuts, paired with media myths that facilitate public misunderstanding and apathy, would be listed as the cause of death.



### *The Problems.*

#### *Legal Aid*

Alongside the many achievements of the Attlee government was the introduction of Legal Aid with the passing of the Legal Aid and Advice Act 1949. This enabled legal representation to be provided for those that could not afford legal representation themselves, a crucial step in allowing public access to the justice system. Then along came the Legal Aid, Sentencing and Punishment of Offenders Act in 2012. Legal Aid was restricted massively with harsh means-testing. Suddenly, Legal Aid was only available to the very few.

The impact of this cannot be understated. Demand on pro bono services has risen colossally, putting huge pressure on resources and those who work to provide legal advice free-of-charge. However, Legal Aid is no longer a place where those in the profession can work and make a living, and this has led to the closure of 75 criminal legal aid firms every year for the past ten years. For those who cannot find pro bono representation, they attempt to represent themselves in court as 'litigants in person', navigating legal terminology, hefty legislation, and the court process.

#### *Backlog and Court Closures*

In recent weeks, there have been headlines of the trial backlog in the crown courts. 53,000 cases and trials scheduled for 2023 (*The Times* 24 Jan 2021). Lord Bingham's statement of how obvious it is that legal redress should be available 'without excessive delay' seems not to have aged well.

Whilst the headlines accounted this to the ongoing pandemic, the legal profession, megaphones in hand, have been trying to point out that this is simply not true. Yes, the pandemic clearly has posed challenges to the system, but this backlog has been growing for years. Joanna Hardy, a criminal defence barrister, pointed out that 'COVID-19 didn't start the backlog. Cuts did'. The context behind her statement: a case where a defendant was 'bailed for 3 years, 2 months and 29 days. Aged 18 when accused, aged 22 when acquitted'.

Between 2010 and 2019, over half the courts across England and Wales were closed (The Law Society May 2020 Court closures.). This should come as no surprise. In our own area, Spalding Magistrates' Court was closed in 2014. In consultation, 14 responses were in favour of the closure but 27 were against; citing 'reduced access to and provision of local justice' as one of the reasons for their opposition (Ministry of Justice. 25 November 2014). The court was closed regardless.

As this backlog grows, defendants will anxiously await their fate, lives on hold with no government support. If acquitted, they will receive no compensation or apology - they will just be left with substantial legal costs and trauma. Victims will be forced to wait for justice, reliving traumatic events, some losing faith in the system entirely. Witnesses will struggle to recall events as time goes on. Prosecutions will eventually be dropped, allowing potential criminals to walk free.

### *Local Case Studies*

Access to justice is not just a national issue but a local one. There are many in our community who are struggling and would benefit with greater access to legal help. The following are some case studies where clients at CASL would have benefitted from access to justice:

- A male client was stopped by the Police when driving. He was asked whether he had been wearing a seat belt and admitted he had not. The client was told he would be fined £100. He heard nothing for months until he received a demand for £247 from Lincoln Magistrates Court. The client feels he has been unjustly fined the extra £147 and wants to get the error rectified. However, he cannot afford a solicitor to argue his case.
- A female client had an accident at work, and it has now emerged that her injuries are long term. The client wants to sue the company for compensation due to their negligence but cannot afford a solicitor. She will have to resort to no-win no-fee, thereby losing part of the compensation money to legal fees.
- A father is in dispute with his ex-partner over where his young child should live. The client would like to take legal action to have his child reside with him but has insufficient money for a solicitor and it is unclear he would qualify for Legal Aid.

### *The Campaign*

None of this is a lost cause and there is much to be hopeful about. Citizens Advice has been extremely valuable in promoting access to justice and signposting those who are in need of legal help. Citizens Advice South Lincolnshire provides these services in our local community every day. Additionally, there are many pro bono services nationally and locally where those in the legal profession give up their time and fees to help those who are most in need.

Much positive change could be enacted simply by education. If the public saw our justice system in the same way as the NHS, we would make a great start in enacting change and consecutive governments could no longer get away with making such detrimental cuts to the system.

We want to make a difference locally in promoting access to justice by doing the following:

- ensuring that we connect with as many local pro bono services as possible, so advisors feel best-placed to refer clients who require legal help to these services.
- promoting legal education and understanding throughout Citizens Advice South Lincolnshire and the community
- researching issues, we often see at CASL, such as mental health problems and debt, and any possible connections to the issues of accessing legal help.

If you have any information relating to these issues or if you know of organisations which offer pro bono help, please contact me via [amelia.randc@gmail.org](mailto:amelia.randc@gmail.org)



## Campaign Against Scams – Call Blockers

(Juliet)

During lockdown and without recourse to going door-to-door, scammers are using other methods instead – including phone calls. There has been an upsurge in the number of nuisance landline calls causing worry and distress even to those who may not fall for the scams.

National Trading Standards, in collaboration with Bournemouth University, have been researching the beneficial effects of using callblocker technology. Their findings, shared in a webinar, early this month, are that: “installing a callblocker significantly increased applicants’ wellbeing, blocked 99% of scam and nuisance calls and saved applicants and society £20,227,167.42.”

The research found that, with an effective callblocker, people’s minds were put at rest. They could answer their phones without worrying who the caller might be, not suffer multiple unwanted daily calls and not risk being scammed in the process.

To date, the most effective callblocker (True Call, recommended by National Trading Standards and by Which?) will cost the householder. The beneficial effects, especially for those with particular vulnerabilities, are likely to make them worth including among a range of alternatives, nevertheless.



## Section 75 Consumer Protection and Third-Party Payment Methods

(Juliet)

It is often the case that a consumer, paying for something costing over £100 and under £30,000 by credit card, is protected under the Consumer Credit Act 1974 if something goes wrong. This is called Section 75 protection. Under this legal ruling, the credit provider is equally liable.



However, there are still occasions when such consumers are not protected. If the retailer uses a third-party payment processor, then this is seen as interrupting the link between retailer and purchaser and, in this situation, the credit card company may be deemed not liable.

The rules governing third party payment processing are complex and consumers may well be unaware whether or not their retailer is using a third-party processor for

credit card purchases.

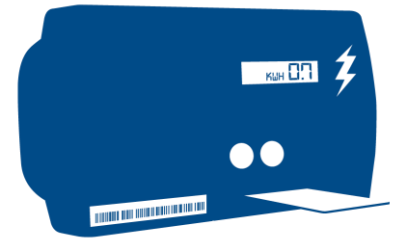
We have recently spoken to clients who wished us to remind others of the potential difficulties with some aspects of Section 75 protection.

## Tackling Fuel Poverty and the High Five Initiative.

*(Juliet)*

Our Fuel Poverty campaign has been taking place over the months of November 2020 to February 2021 and has incorporated Citizens Advice Big Energy Saving Winter and Utilita/NEA High Five. The High Five connection brought us a very welcome £500 funding to sponsor a series of specific activities.

Our aim has been to reach those who were especially in need by creating ongoing public awareness about fuel support; to provide dedicated advisers who could give help and support to clients about energy issues; and to make links with other organisations who support these clients as well as with our local councillors.



We succeeded in providing an ongoing narrative about energy in our social media pages; in producing two energy-related videos about energy support grants and schemes; and in organizing a Zoom webinar and discussion for interested parties around the topic 'Promoting Ways of Tackling Fuel Poverty'.

Although our Zoom event was unfortunately unable to go ahead, we have provided energy advice – over the High Five period, 25 January 2021 to 17 February 2021 – to 46 clients. Our advisers are most frequently directing such clients on a low income to apply for the Warm Homes Discount from their energy provider while the grant is still available for 2020/21. This alone will save them £140 off their energy bills. Other recommendations included signposting to energy provider emergency assistance schemes, to comparing and switching and to the Priority Services Register.

We have not abandoned the Zoom meeting. We had a series of excellent speakers lined up to talk about issues connected with addressing fuel poverty. But we are in the process of 'repurposing' it for April/May 2021 to attract the widest audience.

If you are interested in being involved, you are welcome to let us know on [randc2@citizensadvice-southlincs.org.uk](mailto:randc2@citizensadvice-southlincs.org.uk)

## Find us on Social Media.

(Sean).

Our social media audience continues to increase. We are now followed by close to 680 people/organisations on Twitter, while our Facebook page now has a total of 85 'likes' and 96 'follows'.

In addition to this, our Facebook and Twitter are still important in sharing information about developing Research and Campaigns issues. We have recently concluded our part in the Big Energy Savings Winter campaign, and we continue to promote energy advice locally as part of our 'High-5' energy campaign with Utilita.



We reached a record breaking 11,400 people on Twitter in January, and have shared content relating to the national 'Keep the uplift' campaign which aims to lobby the government to keep the £20 uplift introduced to Universal Credit since the start of the pandemic. We have also shared more video content and a YouTube channel. You do not need to have an account to see either our Twitter or Facebook pages. They can both be accessed at [www.citizensadviceSouthlincs.org.uk](http://www.citizensadviceSouthlincs.org.uk) by clicking on the speech bubbles in the 'connect with us' box on the website home page.



There is still a consistent average of new (72% of total visitors) and returning (28% of total visitors) to the website in January. These levels continue to indicate a 2-4% fluctuation when comparing new and returning visitors over the months. The 'EU Settlement Scheme' page was again one of the most frequently visited pages (183 visits) while more people appear to have been visiting the website than the previous month (1326 browsing sessions-a 24% increase on the previous month).



## Evidence forms January 2021.

These are forms filled in, electronically, by our assessors/advisers after interviewing any client who comes to us with an issue of unfairness. The forms are monitored both by the CASL Research and Campaigns team and by national Citizens Advice. Main areas of concern are highlighted.

Type	Number
Benefits	11
Universal Credit	17
Consumer	13
Debt	6
Discrimination	3
Education	0
Employment	17
Finance	2
Health	0
Housing	12
Immigration	10
Legal	2
Relationships	1
Tax	0
Travel	3
Utilities	2
Other	1
<b>Total</b>	<b>100</b>

### Contact us.

We hope you found this edition of Spotlight of interest. If you wish to contact the Research & Campaigns team with questions or comments, please use the email, [randc2@citizensadviceouthlincs.org.uk](mailto:randc2@citizensadviceouthlincs.org.uk).

Members of our team will be pleased to give presentations, about scams awareness or energy saving to groups in the area, when this becomes possible. Just use the email address above for enquiries.

*Juliet*