

September 2021



Spotlight



## On Research and Campaigns

*Welcome to another packed edition of Spotlight, highlighting the important work that we have been doing to support South Lincolnshire communities.*

*We continue to deal with problems arising from COVID-19 and demand for our services is still rising, with a 30% increase in calls to our Adviceline since April. We anticipate this demand will increase as furlough comes to an end at the end of September and the Universal Credit £20 uplift is withdrawn. Please do read the articles about Universal Credit and the impact of losing the uplift.*

*We are starting to re-open our face-to-face services, so that we can help those that can't access help through telephone or online. This is further stretching our limited resources as we try to meet demand across all our channels.*

*The other focus of this edition of Spotlight is domestic abuse – another issue that has come to the fore during lockdowns. We have always been committed to identifying and tackling domestic abuse as we are ideally placed to advise and support people as they approach us with other problems. We have had significant success in identifying previously unrevealed abuse, helping people to get the support that they need.*

*Finally, Juliet, our longstanding and influential Research and Campaigns lead, has stepped down. She has achieved a huge amount in her time with us and we wish her all the very best for the future. We are looking for someone to step into her shoes. If you are interested in highlighting issues such as the ones in this edition of Spotlight (or know someone), please do get in touch. You will be making a real difference to people's lives across South Lincolnshire.*

*Thank you for your support.*

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

*Simon Richards*

*Chief Officer*

*Citizens Advice South Lincolnshire*



## #KeepTheLifeline Campaign

(Peter)

Citizens Advice continues to campaign nationally to keep the £20 per week top up to Universal Credit. Once planned reductions in benefit happen, the Standard Element of Universal Credit will go down to £324 per month for a single person over 25. This amount would need to pay for the claimant's, food, fuel, water, and other bills, as well as any shortfall due to restrictions on the maximum Housing Element available for privately rented homes.

A recent Citizens Advice survey of 2000 people on Universal Credit has shown that more than a third (38%) would be in debt after paying their essential bills if their benefits drop by £20 a week.

Locally we are campaigning with articles in local newspapers and by writing to our MPs for their support. For an account of the local campaign see

<https://www.spaldingtoday.co.uk/news/thousands-set-to-lose-out-with-benefit-cut-on-the-horizon-9213960/>

Citizens Advice comments as follows:

*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 in place until September 2021. We're calling for it to be made permanent to provide financial security for millions of people and help support the country's longer term economic recovery.*

### **Why the uplift needs to stay**

*Every day our advisers speak to people who have had their lives turned upside down by this pandemic. Many who've never needed support from the benefits system, and others who were already on a financial cliff edge going into the crisis.*

*As the labour market and economy recovers, it's vital that Universal Credit provides a strong safety net. Keeping the £20 uplift will help to ensure that people can cover their essential costs like food and rent, whilst helping them build financial resilience and keeping more money in the local economy.*



## Trouble with benefits.

(Peter)

Each month, the greatest number of Evidence Forms our advisers submit concerns benefits, including Universal Credit. With more claimants than ever due to Covid-19, inevitably mistakes are made by Department for Work & Pensions (DWP). However, such errors are often only slowly resolved causing hardship for the claimant in the meantime.

Fortunately, Citizens Advice can be accessed by phone, email, or webchat to help clients resolve problems with DWP.

The following issues have been brought to us recently:

- A female client from South Lincolnshire is disabled with multiple health problems. She was getting Employment Support Allowance (ESA) in the Support Group, which provides extra benefit income. However, she recently received a letter saying she had been transferred to the Work Group, lowering her ESA payments. This decision did not seem to be based on the client's state of health which has deteriorated over the last few months.
- A 39-year-old client applied for Personal Independence Payment (PIP) due to her disability. The client was unhappy with her assessment which was by phone, and she does not think the report and denial of PIP are fair. The client asked for a reconsideration of the PIP decision. She had problems getting in touch with her GP to supply evidence to support her case. When she eventually got through to the surgery, she was told that she would have to pay for a report from the doctor. The client has found the whole experience upsetting.
- A 36-year-old disabled client with mental health problems struggles to use the phone. He was getting PIP, but his award was reassessed. Part of the process involved a telephone assessment in late 2020, which he found stressful and difficult. The result was that the PIP ceased. The client's reduced income leaves him struggling to manage and he has contacted Citizens Advice for referral to the food bank as well as for budgeting advice.
- A local self-employed couple were unable to continue their business during lockdown. The couple were claiming Working Tax Credit and were awarded a bonus due to the pandemic. Last year this was £20 per week but this year it has been a lump sum of £500 for 6 months. The couple are claiming Council Tax Reduction. The council reduced the help they received during the £20 per week extra Tax Credit but not for the period covered by the £500 lump sum. When the couple asked why the two payments were treated differently, the council employee said that the council can make up their own rules for assessing this benefit.



Universal Credit continues to be the major source of frustration for our clients, not least because it has become the main benefit for those affected by the pandemic. Despite the £20 per week bonus being paid until the end of September, many families find the income inadequate to manage their household finances. On the next page are just a few examples.

- A single mother of two young children is claiming Universal Credit. Due to Local Housing Allowance limits on private rents, there is a £230 per month shortfall in the Housing Element she receives. This means she must find this money from the rest of her benefit, leaving her short of funds at the end of each month. To feed her family, she has been referred by Citizens Advice to her local food bank as well as relying on friends and family for support.
- A single client reports a similar problem, with an £80 per month shortfall in the help he receives from Universal Credit towards his rent. He is left with just £255 per month to pay his bills and feed himself.
- A 41-year-old client is not able to work due to mental health problems. His Universal Credit payment is just £290 per month after deductions which include rent paid direct to the landlord and repayment of a budgeting advance. The client has struggled to manage on this income and has received our help in accessing food from the local food bank. The client applied for PIP over 3 months ago but is still awaiting a decision.
- A local single mother claiming Universal Credit found that she was short of money each month and getting behind with her bills. She contacted Citizens Advice for debt advice and for a food bank voucher. When her benefit payment was checked by an adviser, it became clear that she was not having the Child Element added to her benefit, meaning she was not getting fully paid. This error has now been corrected.



After the end of September when the £20 top up is phased out, many of our clients will be even more financially insecure.

## Concern about domestic violence and abuse.

*(Juliet)*

Domestic abuse can happen to men or women. It is behaviour from a family member, partner, or ex-partner. It is not always physical violence.

It may involve someone close to you

Cutting you off from family and friends and intentionally isolating you

Taking control of your finances

Monitoring or limiting your use of technology

Physically and/or sexually abusing you

When the first 'lockdown' was announced in March 2020, charities such as Women's Aid highlighted the [increased risk of harm and isolation](#) for those affected by domestic abuse.



The Office for National Statistics report that, in mid-May 2020, there was a [12% increase in the number of domestic abuse cases referred to victim support](#). Between April and June 2020, there was a 65% increase in calls to the National Domestic Abuse Helpline, when compared to the first three months of that year.

In April 2020, the Home Affairs Committee said there was "[evidence that cases are escalating](#) more quickly to become complex and serious, with higher levels of physical violence and coercive control."

Our Citizens Advice South Lincolnshire statistics from January to March 2021, after the winter lockdown, saw significantly more clients about issues of domestic abuse than in the similar period 2020. Also, abuse against women by current/ex partners rose almost 100%.

There are various services available to help victims: men, women, or young people. From phone lines to websites, local to national – and including local community resources in some pharmacies and supermarkets.

The Citizens Advice South Lincolnshire Research and Campaigns team wish to use our channels of communication here in Spotlight to publicise the resources available to people who are victims of domestic abuse and/or those who would like to help them.

- EDAN Lincs (Ending Domestic Abuse Now in Lincolnshire). Providing support across Lincolnshire to men, women and children suffering or fleeing from domestic abuse - 01522 510041 gen. enquiries [info@edanlincs.org.uk](mailto:info@edanlincs.org.uk) secure email [info.secure@edanlincs.csj.net](mailto:info.secure@edanlincs.csj.net)

- The Freephone, 24hr National Domestic Abuse Helpline - 0808 2000 247 or [www.nationalhelpline.org.uk/Contact-us](http://www.nationalhelpline.org.uk/Contact-us)

*The 24/7 National Domestic Abuse Helpline, run by Refuge, has a web platform to support women. The web platform offers clear information on how to identify domestic abuse and on women's rights and options around legal remedies, housing, benefits, children and accessing specialist services. It also provides information on safety planning and reassures women about what it is like to call the Helpline.*

*If women are not able to call immediately, the web platform also provides a secure webform, through which women can book a safe time for the team to call them back.*

*The Helpline continues to provide a 24/7 telephone service on 0808 2000 247. The Helpline is confidential, non-judgmental and provides expert support to any woman experiencing, or who thinks she may be experiencing, domestic abuse.*

- Rape Crisis services - [www.rapecrisis.org.uk/get-help/want-to-talk](http://www.rapecrisis.org.uk/get-help/want-to-talk)
- National LGB&T Domestic Abuse Helpline - 0800 999 5428
- Men's Advice Line. Run by Respect. Confidential help for men - 0808 801 0327 or [info@mensadvice.org.uk](mailto:info@mensadvice.org.uk)
- Rights of Women advice lines - [www.rightsofwomen.org.uk/get-advice/advice-lines/](http://www.rightsofwomen.org.uk/get-advice/advice-lines/)
- Women's Aid. Including live chat, email, the Survivors' Forum and local services - [www.womensaid.org.uk/information-support/](http://www.womensaid.org.uk/information-support/)
- Respect Phonenumber. Confidential helpline, email and webchat service for domestic abuse perpetrators wishing to change and those supporting them - 0808 8024040 or [www.respectphonenumber.org.uk](http://www.respectphonenumber.org.uk)
- The Mix. Free information and support for under 25s in the UK - 0808 808 4994 or [www.themix.org.uk](http://www.themix.org.uk)

Safe Lives and Women's Aid have specific pages about Coronavirus and help for clients:

- Safe Lives –domestic abuse and Covid 19
- Women's Aid - Coronavirus safety advice for survivors

The government website Gov.uk refers to 4 additional sources of help.

- The Bright Sky mobile app and website for anyone experiencing domestic abuse, or who is worried about someone else. The app can be downloaded free from the app stores.

- Victim Support who offer the following free: independent and confidential 24/7 Support line 0808 1689 111; live chat service; My Support Space – their free online resource.

- Ask for ANI codeword (Action Needed Immediately). If you are experiencing domestic abuse and need immediate help, ask for 'ANI' in a participating pharmacy (there will be an 'Ask for ANI' logo on display). They will offer you a private space, provide a phone and ask if you need for support from the police or other domestic abuse services.

- Safe Spaces are also available in Boots, Morrisons, Superdrug and Well pharmacies, TSB banks and independent pharmacies across the country.



## Domestic Violence and Society's Treatment of it Over Time

(Amelia)

The shocking rise of domestic abuse cases, exacerbated by the Covid-19 pandemic, has led to widespread concern over how much action is being taken to support victims of domestic abuse. Organisations such as Women's Aid, Men's Aid, Refuge and the Southall Black Sisters provide support for victims on the frontline every day, in addition to the support in place for victims who choose to report to the police through specialist domestic violence police units and procedures.

With the recent passing of the Domestic Abuse Act 2021, it is worth taking a step back and analysing the progress made in tackling domestic violence from the second part of 20<sup>th</sup> century to now. There have been landmark pieces of legislation, changes to procedure and cases, shaped by a changing landscape of societal expectations and views. These, in turn, have gone some way in changing the way we perceive and treat victims of domestic violence. Whilst there is always more that can be done, it is worth reflecting on where we are now and the path we took to get here.

In this edition of Spotlight and the following two, we will be focussing on:

- A Legislative History of Domestic Violence and Abuse
- Police and Courts
- Sexual Offences, Homicide, the Defence of Provocation and the Defence of Loss of Control



### **A Key Legislative History of Domestic Violence and Abuse**

The recent Domestic Abuse Act 2021 may be treated as a landmark piece of legislation, but there has been much legislation since 1976 which has directly or indirectly aided victims of domestic abuse.

#### **- Domestic Violence and Matrimonial Proceedings Act 1976**

This Act was hugely significant since it was the first piece of legislation which was designed specifically to combat domestic violence. It improved procedural remedies for victims who needed injunctions and extended such remedies to cohabiting couples. Although repealed in 1997 to make way for the Protection from Harassment Act 1997, it was ground-breaking for its targeted nature - **signalling that domestic violence was a focus for the legislature.**

#### **- The Housing (Homeless Persons) Act 1977**

Housing is often a key issue in domestic violence cases since the victim often feels unable to leave because they have no alternative place to stay. This problem is exacerbated when children are involved. Section (1)(2)(b) of this Act **ensures that women and children who are at risk of violence can access state-funded temporary accommodation.**

This was updated by the Domestic Violence, Crime and Victims Act 2004 but it introduced two orders: occupation and non-molestation orders. **This was crucial in ensuring the safety and protection of victims.**

- **Protection from Harassment Act 1997**

**Sections 2 and 4 created the offences of harassment.** Section 4 is defined as ‘a person whose course of conduct causes another to fear, on at least two occasions, that violence will be used against him is guilty of an offence if he knows or ought to know that his course of conduct will cause the other so to fear on each of those occasions’. Section 3 empowered the civil courts to make non-harassment injunctions, providing a punishment of up to 5 years for a breach of one of these injunctions. *R v Curtis* (2010) was a case that indicated the difficulty of proving that harassment has taken place. It was held that to be an offence under section 4, the ‘course of conduct’ had to be targeted at an individual and that the conduct must have been calculated to produce alarm or distress. Applied to the facts of the case, it was found that incidents over the course of a nine-month relationship with aggression on both sides did not constitute harassment under section 4. The difficulty of proving harassment under the Act has led to improvements, such as the introduction of the offence of coercive behaviour (s76 of the Serious Crime Act 2015).

- **The Female Genital Mutilation Act 2003**

The first Act to deal with female genital mutilation (FGM) was the Prohibition of Female Circumcision Act 1985, repealed by the 2003 Act. The 2003 Act created additional offences in relation to FGM, such as assisting a girl to carry out FGM on herself (section 2) and assisting a non-UK national or resident to carry out FGM outside the UK on a UK national or permanent UK resident (section 3). Section 4 extends these sections to deal with extra-territorial acts. The maximum penalty was increased from 5 to 14 years’ imprisonment. The Serious Crime Act 2015 made further changes which also strengthened protections for girls taken abroad for FGM, regardless of their residency status, as well as introducing a new offence of failing to protect a girl from FGM, with a max penalty of 7 years’ imprisonment and a fine. Female Genital Mutilation Protection Orders were introduced to protect girls, with breaches amounting to a criminal offence with 5 years’ imprisonment. It was also made mandatory for professionals to report cases of FGM to the police. **The increased protection for victims of FGM is fundamental in combating this form of domestic abuse, whilst encouraging awareness and education in communities that still carry out FGM.**

- **Domestic Violence, Crime and Victims Act 2004**

**This Act improved procedure in relation to non-molestation and restraining orders by including criminal sanctions for non-compliance** (amending Part IV of the Family Act 1996), extended the availability of restraining orders under the Protection from Harassment Act 1997, allowed same-sex couples and cohabiting couples to apply for non-molestation orders and made changes to court procedures. An offence was created of causing or allowing the death of a child or vulnerable adult, which was amended in 2012 to cover causing or allowing serious physical harm to a child or vulnerable adult with a maximum sentence of 14 years. These procedural changes have made headway in improving protection for victims by expanding access to cover more victims affected by domestic abuse.



### - **The Crime and Security Act 2010**

Section 24 and Section 27 introduced Domestic Violence Protection Notices and Domestic Violence Protection Orders, **enabling police to act quickly to protect victims from further harm**. These protections have been updated in the Domestic Abuse Act 2021, but it is important to note the focus on protecting victims at the stage of reporting to the police instead of acting when it is too late.

### - **The Serious Crime Act 2015**

A significant change occurred with **the introduction of the offence of controlling or coercive behaviour in an intimate or family relationship** in section 76 of the Serious Crime Act 2015. It is ground-breaking in the fact it recognises abuse can take many different forms, not just physical. It also dealt with some of the difficulties with proving harassment following *Curtis*. Amendments have been made to this section following the Domestic Abuse Act 2021, incorporating coercive control in the statutory definition of domestic abuse.

### - **Domestic Abuse Act 2021**

This Act is one of the most important legislative landmarks in the realms of domestic abuse.

Section 1 of the Act gives a statutory definition to domestic abuse for the first time, which overcomes the widespread impression that abuse must be physical or violent. The section reads as follows:

- (1) This section defines “domestic abuse” for the purposes of this Act.
- (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
- (a) A and B are each aged 16 or over and are personally connected to each other, and
  - (b) the behaviour is abusive.
- (3) 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 (see subsection (4));
  - (e) psychological, emotional or other abuse; and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- (4) “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.
- (5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section.
- (7) For the meaning of “personally connected”, see section 2’.

Section 2 has defined 'personally connected' to include marriage, civil partnership, engagement, civil partnership agreement, intimate personal relationship, co-parents, and relatives. Key changes offered by the Act are the following: the establishment of the office of Domestic Abuse Commissioner in Part 2; updates made to the Domestic Abuse Protection Notices and Orders in Part 3; a duty on local authorities to provide accommodation for victims in Part 4; a prohibition on the cross-examination of victims by their perpetrators in the civil and family courts in Part 5; an extension of the offence of controlling or coercive behaviour to cover post-separation abuse, a new offence of non-fatal strangulation or suffocation of another person, and clarifying that a person may not consent to the infliction of serious harm and their own death in Part 6; placing Clare's law on a statutory footing in Part 7.



**The Act marks a great achievement for improving protections for domestic abuse victims and is welcome given the current climate of increasing domestic abuse rates. Much of the progress made is not surprising when seen in the context of this legislative timeline, since it builds much on previous provisions as well as introducing new ones. It is hoped that this legislation will translate well into practice and improve our approach to domestic violence.**

## EU Settlement Scheme (EUSS)

*(Peter)*

Many hundreds of EU Citizens have been helped to apply for Settled Status or Pre-Settled Status by our dedicated team of advisers. The EU Settlement Scheme extends EU migrants' rights to live and work in the UK. The deadline for applications was set for 30<sup>th</sup> June this year but it is possible to make a late application in some circumstances. Most applications have gone through without significant problems, although our team do report difficulties for some, such as:



- A client from Poland said he had been granted only Pre-Settled Status, whereas he had been in the UK for sufficient time to get Settled Status. The incorrect status is affecting his access to local authority housing while he awaits a correction of the error.
- An elderly British man is married to an EU citizen who has lived in the UK for many years. The client's wife unfortunately suffers from dementia and the client has struggled to find the necessary evidence to secure Settled Status for her. He reports that the process has caused him considerable stress.
- A Swedish client who has lived in the UK since 1999 could not renew his Swedish passport. This was because the renewal involves a visit to the embassy in London which has been difficult to arrange during Covid restrictions. The client reports that he is struggling to prove his Settled Status.
- One EU migrant client reported that she had been sent an email from the government explaining about the EU Settlement Scheme. This alarmed the client as she is now a British Citizen meaning the scheme is not applicable to her. The client believes that such emails should be more carefully targeted.

## Find us on Social Media.

*(Sean).*

The months of July and August have yet again seen our social media audience increase. We are now followed by close to 700 people/organisations on Twitter and our content has once more reached over 10,000 people. There are also 145 people who either like or follow our Facebook page.

In addition to this, our Facebook and Twitter are still important in sharing information about developing Research and Campaigns issues through our very own bulletins. Scams Awareness Fortnight bulletin about how our scams work has developed over the past 4+ years reached over 680 people on Twitter.

We have also recently released new series of short videos on our social media, "Safe From Scams 'Shorts'". These videos form a compilation series where members of Citizens Advice South Lincolnshire give their best tips to stay safe and warn of some of the worst scams that they've seen.



You do not need to have an account to see either our Twitter or Facebook pages. They can both be accessed at [www.citizensadvicesouthlinincs.org.uk](http://www.citizensadvicesouthlinincs.org.uk) by clicking on the speech bubbles in the 'connect with us' box on the website home page.



## Evidence forms June to August 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. The issues are in order of number of Evidence Forms received.

Type	Number
Universal Credit	32
Immigration (21 EUSS)	28
Housing	20
Other (14 food bank)	16
Consumer	14
Benefits	12
Employment	11
Health	6
Debt	3
Legal	3
Utilities	3
Tax	2
Finance	2
Relationships	2
Discrimination & Hate	1
Travel	1
Education	0
<b>Total</b>	<b>156</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, [impactofficer@citizensadviceSouthlincs.org.uk](mailto:impactofficer@citizensadviceSouthlincs.org.uk).