

Written evidence submitted by The Children's Society (DAB49)

1. Summary

1.1 The Children's Society welcomes this landmark piece of legislation and the principles behind the Bill. As currently drafted, this Bill is an opportunity to improve the criminal justice response to domestic abuse. With amendments it could provide a supportive safety net to all survivors of domestic abuse regardless of their age, immigration status or where they live as well as provide the much needed sustained funding support services need. The coronavirus outbreak has brought home the acute vulnerability this group face and has shone a spotlight on the gaps within the statutory support system for these survivors.

1.2 The government has made welcome progress in a number of areas:

- Specialist domestic abuse services and organisations supporting vulnerable children amongst others will receive extra funding to support the most vulnerable during this period¹.
- Survivors of domestic abuse – and therefore their children – who are facing homelessness as a result will be automatically considered as in priority need by their council for housing².
- The Home Office has launched a new awareness campaign and issued guidance to the public on domestic abuse³.

1.3 The national lockdown has sparked a much needed conversation on hidden crimes and their victims, the domestic abuse bill must now reflect this national conversation and ensure it provides support to all survivors of abuse for years to come. The Government has already shown its compassion and willingness to adapt legislation to support and protect the most vulnerable and we hope the domestic abuse bill will be no exception to this. This evidence submission examines the needs of three vulnerable groups and recommends how the bill can be improved to better protect and support these groups;

- Children exposed to domestic abuse being perpetrated by one adult against another
- Teenagers experiencing abuse in their own relationships and displaying abusive behaviour
- Migrant victims of domestic abuse

This submission also focuses on the financial resources available to survivors of domestic abuse.

1.4 The Children's Society are also signatories to two joint written evidence submissions. The first submission is coordinated by Action for Children and examines why the statutory definition of Domestic Abuse needs to be amended to recognise the experiences of children. The second submission is coordinated by Barnardos and recommends that support is made available to everyone affected by domestic abuse by adding a new clause to the bill which places a statutory definition on local authorities to provide such support.

2. Children exposed to Domestic Abuse

2.1. Domestic abuse has a devastating impact on children and young people. Analysis by the Children's Commissioner for England shows that 831,000 children in England are living in households where

¹ <https://www.gov.uk/government/news/emergency-funding-to-support-most-vulnerable-in-society-during-pandemic>

² <https://www.itv.com/news/2020-05-02/coronavirus-daily-briefing-robert-jenrick-dr-jenny-harries-testing-tracing/>

³ <https://www.gov.uk/government/news/home-secretary-announces-support-for-domestic-abuse-victims>

domestic abuse has been reported. However, the impact and scale of domestic abuse is likely to be much larger, especially given that children's experience of abuse within their own teenage relationships are not consistently reported on, if at all. Children who are exposed to domestic abuse being perpetrated by one adult against another can experience physical and mental health difficulties, and their development and ability to learn can also be affected⁴.

- 2.2. Domestic abuse is the most common factor amongst children identified as needing support from children's social care – it occurred in just over 250,000 cases in 2018-19⁵. Despite the significant figures illustrated above, as currently drafted the Domestic Abuse Bill does not define children as victims of domestic abuse in their own right nor does it require local authorities to commission specialist community based services for them.
- 2.3. With a national lockdown in place, victims of domestic abuse both adults and children, will likely remain hidden at a time when vital support services will come under further pressure. Above all, there is an overriding concern in regards to how the lockdown has impeded the ability of professionals to reach and support the most vulnerable, with children hidden from view and issues going undetected whilst schools have been closed: “[these children] are not being seen by professionals, even their social workers”⁶.
- 2.4. The national lockdown, coupled with the already significant reduction in funding for children and young people's services⁷ and the significant variability across the country in specialist support services for children exposed to domestic abuse,⁸ shows just how much further this bill has to go to truly support all survivors. For example, Action for Children recently found that children faced barriers in accessing support in two thirds of the local authorities that took part in their research⁹.
- 2.5. The Children's Society's recent report *Missing the Mark*¹⁰ explored local authority strategic and service response to young people experiencing relationship abuse. It found that only 51% of local authorities that responded to the FOI provided a specialist service for 16 and 17 year olds that are experiencing abuse in their relationships. This suggests that despite 16 and 17 year olds being brought into scope of the definition of domestic abuse, there are still gaps in the specialist services available to them.
- 2.6. Clause 53 of the Bill places a duty on local authorities to deliver support to victims, including children, in accommodation-based services. Although this duty is welcome, it must be acknowledged that it will only support certain groups of victims and not those that seek support through community based services. The majority of victims, including children and young people experiencing abuse in their own relationships, will not be covered by this duty.
- 2.7. The children's sector are seriously concerned that introducing a duty limited to delivering accommodation-based support could have the unintended consequences of removing funding from other crucial services to support adult and child victims of domestic abuse. This is particularly worrying in light of existing serious budget concerns for community-based services. As recent

⁴ https://www.barnardos.org.uk/sites/default/files/uploads/%27Not%20just%20collateral%20damage%27%20Barnardo%27s%20Report_0.pdf

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843046/Characteristics_of_children_in_need_2018_to_2019_main_text.pdf

⁶ <https://www.childrensociety.org.uk/sites/default/files/under-pressure-a-summary-may-2020.pdf>

⁷ *IBID.*

⁸ <https://www.actionforchildren.org.uk/what-we-do/policy-and-research/keeping-children-in-safe-and-loving-homes/domestic-abuse-policy-report/>

⁹ <https://www.actionforchildren.org.uk/media/12382/patchy-piecemeal-and-precarious-support-for-children-affected-by-domestic-abuse.pdf>

¹⁰ <https://www.childrensociety.org.uk/sites/default/files/missing-the-mark-teenage-relationship-abuse-report-by-the-childrens-society-1.pdf>

research from leading children's organisations has shown, specialist services for children and teenagers are already scarce, this new duty if not broadened and accompanied by ring-fenced funding would risk reducing these vital services at a time when they are arguably needed the most.

- 2.8. The Children's Society welcome the Partnership Boards introduced within Clause 54 and the clear instructions for these boards to have involvement from childrens services. The premise is most welcome, but its effect could be limited to those in safe accommodation – excluding many children that experience domestic abuse in their family. It is vital that community-based support is not overlooked if we want to ensure a proper response to domestic abuse.
- 2.9. We are concerned that children and young people are often a secondary consideration in government domestic abuse policy. For example, the initial domestic abuse guidance produced for COVID19 just a few weeks ago by the Home Office¹¹ did not even mention the needs of children in its first iteration. Children exposed to abuse being perpetrated by one adult against another are victims of domestic abuse in their own right and this must be acknowledged within the Bill. Children and young people require specialist services to recover from the trauma of being exposed to domestic abuse or experiencing abuse in their own relationships – not doing so could have serious ramifications for the children and young people suffering for decades to come.

Amendment 50: The proposed statutory definition of domestic abuse must be amended to recognise the fact that children also experience domestic abuse.

NC20 Amendment: The Government should introduce a clause to the Bill which places a duty on all relevant public authorities to provide specialist domestic abuse support services including all adult and child victims who remain in the community, at home or in accommodation-based services, regardless of their status, including survivors with insecure immigration status; children under 18 who are in an abusive relationship; and perpetrators, to prevent re-offending.

3. Teenage Relationship Abuse

- 3.1 The Domestic Abuse Bill as currently drafted does not acknowledge the experiences of teenagers who experience abuse in their own relationships. The phrase 'domestic abuse' is not representative for the many young that experience abuse in their own relationships. It implies, for example you have to live with your perpetrator or be personally connected through marriage. But abuse is abuse no matter what it is called and the Government must work to prevent this early and therefore teenagers who are under 16-years of age should not be excluded from this Bill. The Children's Society do not believe the proposed definition of the domestic abuse within this Bill needs to be amended for this to happen. The Home office has the power within Clause 66 of this Bill to issue guidance. The Children's Society believe the Home Office should issue separate statutory guidance on teenage relationship abuse in order to allow statutory agencies to intervene early and support those who are experiencing or displaying abusive behaviour in the hope that cycles of abuse do not carry on into adulthood.
- 3.2 The Domestic Abuse Bill 2020¹² currently defines domestic abuse as taking place between two persons above the age of 16. Yet research shows that 16 and 17 years olds experience domestic abuse for an average of 1.5 years prior to accessing support¹³. All too often these young people are left without appropriate help or support.

¹¹ <https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse>

¹² <https://publications.parliament.uk/pa/bills/cbill/58-01/0096/20096.pdf>

¹³ <http://safelives.org.uk/sites/default/files/resources/Safe%20Young%20Lives%20web.pdf>

- 3.3 Recent analysis of the Crime Survey of England and Wales by the Office of National Statistics¹⁴ has found that survivors of multiple forms of abuse in childhood are more likely to experience domestic abuse in adulthood and that half of all adult survivors of domestic abuse had experienced some form of abuse in childhood. Abuse in childhood is linked to a range of structural inequalities, many of which will sit outside of the scope of this Bill. However, as currently drafted, the Bill misses an opportunity prevent and respond to abuse and violence in teenage relationships. Supporting both victims and perpetrators of teenage relationship abuse must be seen as a prevention priority which can disrupt the normalisation of abuse and violence.
- 3.4 *“Sometimes young people shrug off signs of abuse as part of their partner’s personality”* Young Person at a Secondary School, Berkshire
- 3.5 The existence of abuse within teenage relationships is well-evidenced and has been widely recognised by agencies such as the Home Office¹⁵ and Ofsted.¹⁶ For example research by the NSPCC found that found 25% of girls aged 13-17¹⁷ had reported some form of physical relationship abuse, this is the similar rate to those within the adult population.

Audit of Teenage Relationship Abuse in The Children’s Society’s services

- 3.6 We found that over the period of 2018-2020 a total of 218 young people referenced being in an abusive relationships. 57% of young people said they had experienced emotional abuse with 25% stated they had experienced some form of physical abuse. We also found that 87% of these young people identified as a victim of teen relationship abuse, and some young people recognised themselves as being both the victim and the perpetrator of abuse.
- 3.7 Our audit found that the majority of young people disclosing relationship abuse are aged between 14 and 17 although one young person was as young as 10 years old. Please see figure one on page 5 for a detailed background.

¹⁴<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/peoplewhowereabusedaschildrenaremorelikelytobeabusedasanadult/2017-09-27>

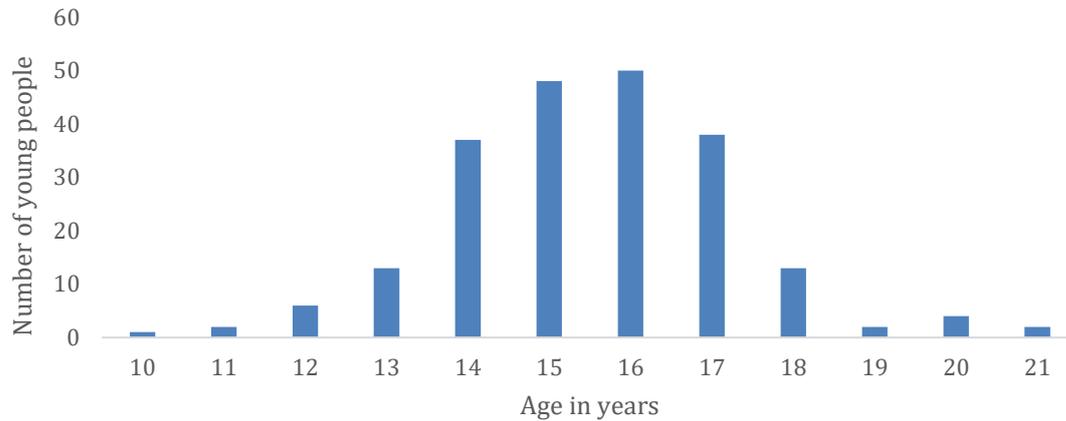
¹⁵ <https://www.gov.uk/government/publications/teenage-relationship-abuse>

¹⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/859422/Annual_Report_of_Her_Majesty_s_Chief_Inspector_of_Education__Children_s_Services_and_Skills_201819.pdf

¹⁷ <https://library.nspcc.org.uk/HeritageScripts/Hapi.dll/search2?CookieCheck=43945.4775032292&searchTerm0=C1739>

The age people

Figure one:
of young



experiencing teenage relationship abuse

3.8 Figure one shows a sharp decline after the age of 17, but we believe this is due to young people moving on from our services and perhaps into adult services. Our audit also found that age does not seem to have large impact on the type of abuse disclosed, meaning it can be just as likely that a young person experiences sexual abuse in their relationship at 14-years old or at 17-year olds. The only difference is from 16-years of age, statutory agencies would recognise this abuse, leaving younger teenagers out of scope of support.

Existing policy and guidance on Teenage Relationship Abuse

3.9 Despite Government campaigns¹⁸ acknowledging that abuse in teenage relationships happens at similar rates to domestic abuse amongst the adult population, this is not reflected thoroughly in any national guidance nor this Bill. Due to the lack of clear national guidance on the issue, abuse in

¹⁸ <https://www.gov.uk/government/collections/this-is-abuse-campaign>

teenage relationships is often not addressed through early intervention nor specialist support, allowing situations to escalate.

- 3.10 Currently teenage relationship abuse is not routinely seen as a child protection issue. The Working Together to Safeguard Children Guidance, the 'how to' manual for all agencies working to keep children safe from abuse and neglect, makes no reference whatsoever to teenage relationship abuse. The Government have made strides in protecting and safeguarding children from abuse within the home or when safeguarding children from exploitation. But relationship abuse is an entirely different entity. Different forms of abuse require different safeguarding responses and specialist support. This is well-established within adult services, this is why for example the Home Office commission IDVAs to support victims of domestic abuse and ISVAs to support victims of sexual abuse.
- 3.11 Although there is reference to domestic abuse within the Working Together guidance, this is only in the context of family relationships. The guidance states that:
- 3.12 *'Practitioners should, in particular, be alert to the potential need for early help for a child who: is in a family circumstance presenting challenges for the child, such as drug and alcohol misuse, adult mental health issues and domestic abuse'*.¹⁹
- 3.13 Contextual safeguarding procedures contained within the Working Together guidance also fail to specifically refer to abuse in teenage relationships. We are concerned by this as our practitioners often report that for the children and young people that they work with, abuse will often take place outside of a domestic settings.
- 3.14 The pre-legislative committee acknowledged that there was a clear gap in legislation in regards to teenage relationship abuse and recommended a review into under 16s that experience and may present as abusive, in teenage relationships. The government rejected this recommendation²⁰, citing already ongoing national work to combat teenage relationship abuse through school-based interventions on sexual violence and healthy relationships, as well as a Home Office initiative to fund specialist Independent Domestic Violence Advisors (IDVAs) to work with young people who experience teenage relationship abuse.

Identification of Teenage Relationship Abuse and support

- 3.15 The Children's Society has found however, that out of a survey of just under 18,000 secondary school pupils, only 51% said they could spot the signs of an abusive relationship²¹. Many young people went on to state whilst they could spot the signs, they did not always feel comfortable enough to leave that relationship or tell someone. We welcome that RSE lessons in schools will be made compulsory from September 2020, but many schools for some years have already adopted school based healthy relationship initiatives and yet Teenage Relationship Abuse remains pervasive. Helping children to understand healthy relationships is one piece of the puzzle, but if there are no services available to support victims to safely exit that relationship and recover or help perpetrators understand and change their abusive behaviour, we will not see needed progress in tackling this form of abuse.
- 3.16 This distinct lack of national guidance has led to a postcode lottery of specialist support services, such as Young Person's Violence Advisors (YPVAs) or an equivalent, for young people experiencing teenage relationship abuse, and even more so for young people who may present as abusive in

¹⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779401/Working_Together_to_Safeguard-Children.pdf

²⁰ <https://www.gov.uk/government/publications/government-response-to-the-report-from-the-joint-committee-on-the-draft-domestic-abuse-bill>

²¹ This survey was conducted by *VotesforSchools* as part of their regular surveys within schools and colleges in February 2020 and provided to The Children's Society, the quotes provided within this section also come from this survey. The secondary school survey sample was 17,783 students across England.

teenage relationships. The Children's Society's research²² found that the majority (77%) of local authorities who responded to our FOI do not have a policy or protocol in place for responding to under 16s experiencing teenage relationship abuse, with just 39% of local authorities providing a specialist support service for under 16s. Our research found that just over half (51%) of local authorities provide specialist support to 16 and 17 year olds with issues relating to domestic abuse within their own relationships. This suggests that despite 16 and 17 year olds being brought into scope of the definition of domestic abuse some four years ago, there are still gaps in the specialist services available to them.

- 3.17 The lack of national guidance also means that there is a lack of consistency in local authorities who provide non-specialist support services either as part of their general domestic abuse service offer or tailored young person friendly services, such as drop in serves or helplines, to under 16s and 16 and 17 year olds experiencing teenage relationship abuse.
- 3.18 Worryingly, our research found that some local authorities are not providing either a specialist YPVA or equivalent services or any additional services for young people experiencing teenage relationship abuse. For children under the age of 16, 26 local authorities who responded to our FOI told us that they do not provide either service. Based on population data from 2018, we estimated that there are around 264,923 children aged between 13 and 16 living in these 26 local authority areas.
- 3.19 Despite the inclusion of young people aged 16 and 17 in the definition of domestic abuse our FOI found that 19 local authorities do not provide a specialist YPVA service or equivalent for 16 and 17 year olds living in their areas or any additional domestic abuse services to this age group. In 2018 there were 119,552 16 and 17 year olds living in these areas which suggests that there could be around this number of 16 and 17 year olds living in areas of England today who might not be able to access appropriate help and support if they were to experience abuse within a relationship.
- 3.20 Teenagers who experience or may present as abusive in their own relationships require a different response than that of adults, but that does not mean they should be offered no further support within this bill.
- 3.21 We therefore are recommending that a requirement is added to the Domestic Abuse Bill to ensure separate statutory guidance is produced on teenage relationship abuse to allow for a detailed discussion on young people for under 18s who experience abuse or display abusive behaviour in their own relationships. This guidance can be used to support schools, local authorities and other agencies to recognise the signs of this abuse and offer appropriate safeguarding pathways.

Amendment 47: A requirement should be added to the bill to ensure the Government produces separate statutory guidance on teenage relationship abuse. This guidance should cover early intervention and prevention through to referral for specialist support and disruption tactics for those that continue to cause harm. The response to both victims and those who may present as abusive in teenage relationships must be strengthened.

4. Migrant victims of domestic abuse

²²The Children's Society submitted an FOI in December 2019 to all local authorities in England (excluding City of London and the Isles of Scilly) regarding their strategic response to teenage relationship abuse and the availability of services to young victims and perpetrators of teenage relationship abuse, there were 98 full or partial responses generating a response rate of 66% - the full findings are due to be published shortly.

- 4.1 The Children's Society welcomed the Minister's commitment within the second reading of the domestic abuse bill 2020 to ensure that *"all victims of domestic abuse are treated first and foremost as victims, regardless of their immigration status"*²³. We urge the Home Office to publish its review into the barriers that migrant survivors and their children face whilst accessing support before the committee stage of this bill commences.
- 4.2 Whilst the above commitments are welcome, as the Bill currently stands it fails to include and deliver meaningful protection to migrant women and their children with insecure immigration status, despite the government acknowledging the multiple disadvantages faced by these survivors as they are unable to access most statutory forms of support. Victims of domestic abuse without access to public funds (NRPF) are often trapped within a cycle of poverty, vulnerability and abuse. The coronavirus outbreak has laid bare the brutality of being left unprotected by the nation's safety net – the social security system. The Children's Society are consequently campaigning to suspend the No Recourse to Public Funds condition²⁴.
- 4.3 Whilst the government cannot stop abuse occurring in the first place, it can and should ensure that systematic barriers are removed so that all victims can receive the support they need. At a minimum the government need to expand current routes to securing permanent residency for all migrant victims of domestic abuse so they can access welfare support, refuge accommodation and regularise their immigration status independent of their perpetrator if they wish to do so. Therefore, the government must bring forward an amendment to extend the eligibility under the Domestic Violence Rule to all migrant and not just those on a spousal visa.
- 4.4 The Minister for Safeguarding also stated within the second reading of the Bill that they needed a clearer evidence base if they are to put in place new support mechanisms for this vulnerable group. Yet the Home Office itself does not produce publicly available data and information on the number of individuals and families have NRPF attached to their immigration status. This, coupled with hostile nature of immigration policy brought in under successive governments means evidencing the difficulties faced by these survivors is hard to quantify.

²³ <https://hansard.parliament.uk/Commons/2020-04-28/debates/AABF0D9C-D3BC-40C5-830A-52073E09ED35/DomesticAbuseBill?highlight=domestic%20abuse%20bill#contribution-425F98E9-3BA5-4CFE-9A2E-E3335326640B>

²⁴ <https://www.childrensociety.org.uk/sites/default/files/suspend-the-no-recourse-to-public-funds-condition-parliamentary-briefing.pdf>

4.5 Our previous research indicated that between 2013 and 2015, more than 50,000 individuals with dependents were granted leave to remain in the UK along with an NRPF condition²⁵, which means they have no access to mainstream welfare support. However more recent analysis by The Children’s Society in *A Lifeline for All*²⁶ puts the estimated figure far higher than previously thought. From the Home Office Migrant journey data provided to us by the Migration Observatory²⁷, it shows that there were 142,496 children under 18 and 1,002,091 adults who had leave to remain in the UK at 31st December 2016. The vast majority²⁸ will have had the NRPF condition applied to their immigration status. The figure is likely to be far greater when accounting for the undocumented population²⁹ meaning hundreds of thousands of children could go without vital support in times of crisis.

Case study from The Children’s Society

Ruth and her four-year-old son were living with her British partner. There were escalating incidences of domestic violence from her abusive partner towards her, on one occasion she was badly beaten up and the police were called. The case was put on record. Ruth desperately wanted to leave the property. A referral was made to social services. The allocated social worker did an assessment and said the family needed alternative accommodation as it was not safe and the child was at risk. When the case was sent over to the NRPF team, there was no response for months and the team still have not done anything about the case. The mother has limited leave to remain so can work full-time, but on minimum wage with NRPF. This means she cannot earn enough money to raise a deposit and find somewhere alternative to live with her son. They are being forced to stay living with her abusive partner in the property. At the time of this briefing, The Children’s Society had worked with the mother to instruct a solicitor to challenge the local authority in court.

4.6 Without the welfare safety net, these families are often forced to turn to local authority children’s services or support under Section 17 of the Children’s Act 1989³⁰. Data provided to us from the NRPF Network showed that 8,117 families with at least 16,331 dependents were supported by local authorities under Children Act provision between 2015 and 2019 in England and Scotland³¹. Even with this support, hard pressed local authorities can only provide very limited support – sometimes as little as £3 per child per day – making it impossible to meet the needs of a child.

4.7 This lack of resources coupled with the absence of statutory guidance on how to support migrant families with NRPF is leading to inconsistent approach by local authorities. Our services work with families’ whom have faced a number of difficulties when approaching local authorities for Section 17 support and whom are often initially turned away from support. For example, one mum, who had fled domestic abuse, was told that her child would be taken into care if she didn’t have a place to stay, which left her feeling shattered and let down.

²⁵ <https://www.childrenssociety.org.uk/sites/default/files/making-life-impossible.pdf>

²⁶ <https://www.childrenssociety.org.uk/what-we-do/resources-and-publications/a-lifeline-for-all>

²⁷ <https://migrationobservatory.ox.ac.uk/people-with-leave-to-remain-in-the-uk-by-gender-and-type-of-leave/>

²⁸ Per the Home Office’s Policy Equality Statement in 2015, 92% of the 11,046 applicants granted leave to remain under the 10-year family and private life routes from 1 January 2014 to 31 December 2014, were granted such leave with NRPF.

²⁹ <https://data.london.gov.uk/blog/how-many-undocumented-children-live-in-london/>

³⁰ <https://www.legislation.gov.uk/ukpga/1989/41/section/17>

³¹ The NRPF Network Connect database provided data for families supported by 62 local authorities in England and Scotland, while Wales and Northern Ireland data is held separately

4.8 Failure to ensure migrant survivors of domestic abuse can access the same basic protections that having access to public funds offers would create a two-tiered system³².

NC36 Amendment: The Bill must be amended to provide Recourse to Public Funds to all migrant victims of domestic abuse.

NC35 Amendment: The Bill must be amended to extend the eligibility under the Domestic Violence Immigration Rule to any migrant survivor of domestic abuse so they can more easily secure permanent immigration status. The DDVC should also be extended accordingly from 3 to 6 months.

5. Emergency Financial Support

- 5.1 Domestic abuse can take many forms. Some perpetrators dictate their partner's choices and control their everyday lives, often using violence or threats to assert this control. Perpetrators also may restrict how their partner uses and maintains money. This form of abuse⁶ - known as economic abuse – creates economic instability often resulting in more harm to victims as they lack the financial resources to leave⁷. Research by Surviving Economic Abuse shows that **six in ten successful prosecutions of controlling or coercive behaviour feature economic abuse**, something that is also common post-separation.⁸
- 5.2 The Children's Society welcomes the inclusion of economic abuse within the statutory definition of domestic abuse. However, whilst acknowledging this form of abuse occurs, the bill needs to be amended to ensure all victims have access to the economic resources to mitigate against this as well as other forms of domestic abuse. The social security system should be acting as this resource and providing a financial safety net to all victims of abuse, yet recently published Women's Aid research found that a third of victims who have left their abusive partner have had to take out credit to do so.³³ The Children's Society surveyed 2000 families and found for instance that 46% of families do not believe they could afford to pay an unexpected expense of £500³⁴. Many more families whom were simply surviving before the coronavirus outbreak will be pushed into financial hardship during this period. This bill is an opportunity to ensure survivors of domestic abuse that face financial hardship are financially supported.
- 5.3 The Children's Society support calls to improve the Universal Credit system to ensure survivors can access timely and sufficient financial support. This bill should also consider the accessibility of emergency financial support for victims of domestic abuse through local welfare provision (LWP) These locally operated financial support schemes are playing a crucial role in supporting vulnerable individuals and families through the coronavirus pandemic, yet the support they can offer is often undervalued.
- 5.4 Local welfare provision or 'local welfare assistance schemes' as they are commonly known are the mechanism by which councils provide financial assistance to residents facing a financial emergency. At their best this type of crisis support works in partnership with community and voluntary organisations who can provide holistic support for families. This wrap around holistic support coupled with a different set of eligibility requirements to that of Universal Credit means it can offer support that the benefit system cannot do.

³² <https://www.childrensociety.org.uk/what-we-do/resources-and-publications/domestic-abuse-in-families-with-no-resource-to-public-funds>

³³ <https://www.womensaid.org.uk/financial-abuse-report/>

³⁴ The Children's Society: The Debt Trap Exposing the impact of debt on children
http://www.childrensociety.org.uk/sites/default/files/debt_trap_report_may_2014.pdf

- 5.5 LWP replaced the Discretionary Social Fund, which both Crisis Loans and Community Care Grants were made available through. These were an essential sources of financial support to victims of domestic abuse. For example, Community Care Grants were often used to enable survivors to establish a new home after a period in refuge accommodation, as the following case study from

Community Care Grant – Case Study

“Lisa was awarded a Community Care Grant after being forced to leave her furniture and most of her possessions behind when she fled a violent partner with her three sons. She lived in a refuge and then temporary accommodation. When she moved into permanent accommodation, she had hardly any belongings and no money to furnish the partially-furnished house. Lisa’s fear of being isolated and lonely in her unfurnished, unpainted room was exacerbating her mental health problems, making her unable to unpack any of the items from her move. She slept in the bed of her middle son and her social worker emphasised how important it was to furnish her room, so she could sleep alone and move towards an independent and organised life.

Lisa was awarded a grant for a bed, bedding and drawers, which helped her feel more at home, gave her the emotional strength to start unpacking her boxes, and meant her and her middle son were able to sleep comfortably, alone.. She said I’ve been waiting for this flat for six-and-a-half years, and for once in my life I can call a place home for the first time. For once in my life, my kids and I have a home... I just want to get myself better.” Thanks to this help, Lisa was able to start rebuilding her shattered confidence.”

2012³⁵ illustrates:

- 5.6 Following the abolition of Crisis Loans for living expenses and Community Care Grants in the Welfare Reform Act 2012, the government devolved this form of support to local authorities in the form of Local Welfare Assistance Schemes (LWAS). However, whilst responsibility had been handed to local authorities, there were no statutory obligations to provide a scheme, and local authorities were not provided with a ring-fenced budget to deliver local welfare assistance.
- 5.7 The Children’s Society’s research has now found that 1 in 7 local authority areas in England have no local welfare support provided by their council and in too many other areas local welfare provision is far too difficult to access. There are a range of factors that are currently undermining the ability of local welfare assistance to support households facing a crisis. Analysis of council spending on local welfare provision (as reported in FOI responses) by The Children’s Society has found that of the nominal funding allocation of £129m for local welfare provision in 2018-2019, local authorities only spent £41m (around 30%) on local welfare assistance schemes³⁶. Furthermore, funding for local welfare provision has declined by 55% in real terms in England since 2010³⁷.

³⁵ Family Action (2012) “Social Fund reform in the Welfare Reform Bill: Abolition of Community Care Grants and Crisis Loans”

³⁶ Ministry of Housing, Communities & Local Government. Core spending power: final local government finance settlement 2018 to 2019. February 2018. Using ‘Core spending power: visible lines of funding’. <https://www.gov.uk/government/publications/core-spending-power-final-local-government-finance-settlement-2018-to-2019>

³⁷ <https://www.childrensociety.org.uk/sites/default/files/leave-no-family-behind-may2020.pdf>

Case study from small, local domestic abuse charity

A family were put in touch with a small local domestic abuse charity – the victim had fled her home with her 8 month old daughter that day with just a couple of bags. She had nothing else, no access to money for these essentials and the money she did have was needed for food and nappies. Her universal credit claim had not yet gone through. The agency worker brought in items at home her daughter had grown out of. The worker was able to provide the mum with a cot, bundles of clothes and some kitchen essentials to help her get by.

- 5.8 A local welfare assistance scheme could and should have helped this survivor with emergency financial support in the above case study³⁸.
- 5.9 What's more is the current LWAS available can be very restrictive in terms of eligibility and stipulations for exhausting other routes (including applying for loans) before trying to access the scheme. The Children's Society found that of those local authorities that had a LWA scheme, 60% had put in place stipulations about routes that someone had to take first before applying for LWA, including borrowing from friends or family, taking out a commercial loan, or using a food bank.³⁹ These stipulations are almost impossible to meet for survivor of domestic abuse whom has just left their partner.
- 5.10 During the current pandemic many Local Authorities have been delivering emergency assistance to residents through their local welfare scheme, which is considered a public fund for immigration purposes. Although such an established administrative process could be used to provide emergency assistance to a resident with no recourse to public funds (NRPF), a different funding stream is having to be utilised in order to deliver support to individuals who have leave to remain with NRPF so as to avoid breaching their immigration conditions, and any paperwork issued should reflect this⁴⁰. The links between NRPF, poverty and domestic abuse have been well established by organisations that support migrant women across the UK^{41,42} and therefore we are clear that within the guidance issued through this amendment, it must state that survivors with NRPF are eligible to apply to their Local Welfare Assistance Scheme.
- 5.11 The national demand for emergency financial support has not disappeared or lessened^{43,44}. The Children's Society research has shown that the number of people receiving crisis support from national or local government has **plummeted by 75%** since central Government devolved responsibility to councils in 2013 and subsequently stopped the ring-fenced funding for the schemes in 2015⁴⁵. The need for emergency financial support has dramatically increased over the past few months - the government recognised this by announcing various measures to support low-income

³⁸ This case study was provided to us by the Lloyds Bank Foundation of England and Wales in February 2020

³⁹ Information provided through The Children's Society Freedom of Information request in 2019. Sent to all local authorities. Of the 125 local authorities that responded and said that they had a LWA scheme, 75 had set stipulations about routes that must be exhausted before applying.

⁴⁰ <http://www.nrpfnetwork.org.uk/Documents/coronavirus-factsheet.pdf>

⁴¹ <https://www.childrenssociety.org.uk/what-we-do/resources-and-publications/a-lifeline-for-all>

⁴² <https://dpglaw.co.uk/high-court-ruling-over-no-recourse-to-public-funds-delivers-further-blow-to-home-offices-discredited-hostile-environment-policy/>

⁴³ <https://www.jrf.org.uk/work/in-work-poverty>

⁴⁴ <https://www.childrenssociety.org.uk/sites/default/files/crisis-support-one-family-report.pdf>

⁴⁵ <https://www.childrenssociety.org.uk/news-and-blogs/our-blog/cuts-to-crisis-support-lack-of-funding-means-children-and-families>

households⁴⁶. It is our view that local welfare assistance is a vital existing mechanism for getting emergency financial support to local households in need including victims of domestic abuse, but money simply isn't available to fund effective schemes of provision.

5.12 Survivors of domestic abuse are having to face the economic challenges of leaving an abusive partner as well as the everyday struggles of being a single-parent family during an economic crisis. Families must juggle childcare costs, the rising cost of living along with stagnant real wages and cuts to services that once financially assisted low-income families in emergency situations. This Bill provides an opportunity to ensure that every Local Authority has an effective LWA scheme in place, to provide financial support to people fleeing domestic abuse, and help ensure that financial need is not a barrier to escaping abuse, an obstacle to re-establishing a home following a period in refuge accommodation or a reason to have to return to an abuser.

NC17 Amendment: An amendment should be added to the Bill to ensure that each Local Authority in England delivers a high-quality Local Welfare Assistance Scheme to provide financial support for victims of domestic abuse, and that these schemes receive sustained funding from central government.

May 2020

⁴⁶ <https://www.gov.uk/government/publications/council-tax-covid-19-hardship-fund-2020-to-2021-guidance>