

# Victims of domestic abuse: struggling for support?

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## Acknowledgements

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## Summary

This report uses new evidence from the frontline of Citizens Advice Bureaux to assess whether victims of domestic abuse can access the support they need to manage their relationships, keep themselves safe, exercise their rights to their property, children, access to justice, and rebuild their lives.

Despite welcome government commitments to the Violence Against Women and Girls agenda, increased scrutiny of the treatment of domestic abuse cases by police and the justice system, and a rise in its prominence as an issue, this report exposes the reality of many victims of abuse struggling to access the support they need.

Firstly, our research finds that more needs to be done to **improve recognition and disclosure** of domestic abuse. In cases of emotional or financial abuse, many victims don't recognise the behaviours they are exposed to as even constituting abuse. Victims face emotional and practical barriers to disclosing abuse, and this can be more pronounced for individuals with specific or complicating issues. Male victims, LGBT individuals, those with English as a second language or with learning difficulties or mental health problems, can struggle to access specialist support, and can face additional barriers to disclosure.

Following disclosure, some victims face barriers to accessing legal support, as well as addressing the practicalities of leaving a relationship. Fleeing abuse is not simply an act of will. It requires the financial and practical ability to leave or take action: victims need to know 'where can I go and what will I live on'.

Secondly, **legal aid restrictions**, both in terms of evidence requirements and income or asset thresholds requiring financial contribution, leave large numbers of victims giving up on their rights to justice. In some cases these restrictions expose victims to risk, leaving no alternative but to represent themselves in court facing their perpetrator.

Thirdly, refuges are not always accessible, and Local Authority responsibility to house victims fleeing abuse does not always materialise on the ground. The challenge for **housing or financial security** can be particularly acute where there are joint-assets that victims struggle to access or dissolve with their partner's consent. We encounter numerous cases of clients seeking help who feel trapped without finance or accommodation, deemed ineligible for state support because of their assets, but requiring state support (through legal aid) to be able to access those assets. The picture can be particularly complicated where there has been financial abuse within the relationship.

Simply put, despite admirable positive steps over recent years, more needs to be done if the government wants to honour its commitment to support those fleeing abuse.

Early intervention or a lack of support can enable or prohibit a victim's ability to safely leave an abusive relationship. Committed funding and resources

need to be in place at the sharp end: for specialist refuges, alternative housing, policing and justice. However there needs to be more consideration given to enabling early disclosure, recognising the early warning signs and providing victims with easy access to a range of options.

With the rising profile and increasing attention given to domestic abuse, it is no longer just the domain of specialists and campaigners: politicians from across the political landscape have recognised the importance of state support for victims of abuse. Alongside this, Government and society need to ensure that the services are in place to empower victims to make the choices that are best for them and their families.

The findings presented in this report offer a series of implications for policy-makers, national and local government, campaigners as well as other referral services. In brief:

**1. Financial and emotional abuse need to be better articulated**

Many victims are unaware their experiences constitute abuse. The recent introduction of ‘coercive and controlling behaviour’ as a criminal offence will only be effective if it is accompanied by public education and practical definitions for police and prosecution.

**2. Policies which affect benefits, debt or housing, need to better consider the needs of victims of abuse**

Evidence demonstrates how victims can be trapped in cycles of abuse because their vulnerable status is not properly recognised under or across different policy silos. Despite explicit responsibilities for local authorities to provide housing for victims of domestic abuse (Family Law Act 1996; Homelessness Code of Guidance 2006, Housing [Wales] Act 2014), we see cases where this fails to materialise. Access to accommodation, legal aid or emergency benefits is complicated where victims have assets that they cannot fully access because of risk of abuse.

Despite different policy areas considering victims’ needs, policy commitments need to be evident on the ground: our evidence suggests too many situations where individuals feel trapped and unable to (successfully) escape their perpetrator because of practical barriers to accessing housing and finance.

As universal credit rolls out more widely, Government must monitor the impact the single payment policy has on domestic abuse cases. Paying all monthly household finances to one individual has inherent risks for people in abusive relationships, allowing perpetrators to take complete control of finances. And while an exemption is available, as it relies on both the claimant proactively applying and the exemption being granted, this may not prove enough of a safeguard for victims.

**3. Financial institutions must develop consistent guidelines to allow victims to detangle their assets from abusers safely**

The Financial Conduct Authority should work with other stakeholders to develop agreed best practice guidance to work with victims of abuse. This should include providing their clients with appropriate leeway, sensitive treatment, safe communication and procedures for freezing, splitting and rearranging finances without putting victims at risk or forcing them to engage with their abuser.<sup>1</sup>

**4. The Ministry of Justice should revise evidence requirements and financial contributions for legal aid**

Legal aid restrictions are blocking victims of domestic abuse seeking justice and exercising their rights. Evidence requirements must be such that individuals suffering any type of abuse, and unable to access finance can access legal aid. More thought needs to be given to the financial thresholds in the cases of joint-assets and potentially fluctuating income across an insecure relationship. When legal aid has been granted, any additional fees must not be prohibitively high.

**5. Civil society needs to be better equipped to recognise, support and refer victims of domestic abuse**

Domestic abuse is rife in our society, yet specialist professionals only engage with a small percentage of victims. Our research suggests there is more scope for equipping and coordinating the efforts of civil society to best support victims. Given the emotional and practical barriers to disclosing abuse, a friend, family member, colleague or adviser may be the only person aware of another's experience of abuse.

Engaging non-experts in these conversations is undoubtedly sensitive. But a sustained campaign to broaden society's understand of abuse, public-facing guidelines for what to do if you suspect abuse, and better engagement with community services could improve this 'non-expert' band of support. We can learn lessons from the Welsh Government's aims to strengthen their response by increasing awareness and understanding of domestic abuse across the whole of the public sector workforce (284,000) alongside a national awareness raising campaign. 35,000 public service professionals will also be trained to 'Ask and Act' in cases of suspected abuse.<sup>2</sup>

To support these initiatives, long-term funding must be committed to existing specialist helplines to ensure they have capacity to manage a greater call volume. Services for individuals who may not be able to willing or able to seek help elsewhere (for example for LGBT individuals, male victims, and those without confident English) must be well-publicised and easy to access.

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<sup>1</sup> There are further recommendations on financial abuse in our previous report 'Controlling money: controlling lives. Financial abuse in Britain'.

<sup>2</sup> Welsh Government Consultation document (2014) 'A consultation on the National Training Framework on gender-based violence, domestic abuse and sexual violence.' Welsh Government.

This report explores the role of formal support for victims of domestic abuse and the impact of recent policy and financial changes in enabling access. However, whilst acknowledging the importance of effective, professional, formal support, there is also a case for recognising the social (and socially contextualised) dynamics of abuse and how this impacts on victims' experience and ability to act. Without wider society playing a role, we risk failing to engage with the majority of victims in this country.

## Introduction

Speaking up about domestic abuse can be difficult. Many victims face substantial barriers to seeking help, or even acknowledging to themselves that they are in an abusive relationship. Victims can face emotional barriers – like low self-esteem, self-blame, fear, guilt, love and commitment – as well as practical, financial or physical barriers to extricating themselves from an abusive relationship.

Because of difficulty in disclosure, reporting and recording it is notoriously difficult to accurately measure the prevalence of abuse. Yet there is no doubt that domestic abuse is shockingly commonplace in our society. Best estimates find almost a third of women and a sixth of men have experienced abuse across their adult lifetime; about a quarter of children encounter domestic abuse in their childhood.<sup>3</sup> In 2012/13, 7.1 per cent of women and 4.4 per cent of men had experienced domestic abuse that year.<sup>4</sup>

All victims of domestic abuse ought to be able to access support to manage their relationship, keep themselves safe, exercise their rights to their property, children, access to justice and to rebuild their lives. Some of this support can be provided by friends and family, but some relies on specialist services and state structures.

### **A strong safety net of formal support**

While many victims and survivors of domestic abuse will rely on their informal networks, they also need strong state provision of formal services, from specialist refuges to counsellors. Early intervention or lack of early support can enable or prohibit an individual's ability to break away from abuse. Moving on can require a well-functioning justice system (both family and criminal) with skilled, supportive and informed professionals, from the police force to the prosecution, as well as ongoing witness support. It can require the ability to find alternative housing, income, to split out joint-assets and detangle joint-accounts. In the most extreme cases, victims need a completely new start, often in a refuge miles away from their homes, belongings, families and jobs.

Today, domestic abuse is no longer the sole concern of specialist groups or feminist campaigners. Until very recently, domestic abuse remained bound up in complex cultural attitudes towards gender, relationships and the privacy of the home, with intimate partner abuse not identified even as a crime: it is only 24 years since rape became illegal within a married relationship in England.

Recent decades have shown positive and steady progress in provision for victims of abuse. Largely driven by feminist movements, 1971 saw the opening of the first shelter explicitly for victims of domestic abuse by the

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<sup>3</sup> Crime in England and Wales 2010/11. Findings from the British Crime Survey and police recorded crime (2nd Edition). Home Office.

<sup>4</sup> Crime Statistics, Focus on Violent Crime and Sexual Offences 2012/13. 'Intimate Personal Violence and Partner Abuse' chapter using the Crime Survey for England and Wales. ONS, 13 February 2014

organisation that has become Refuge. Slowly domestic abuse protection and prevention have risen up the political agenda and formal state intervention has expanded.

Recent years have introduced: funding for a network of national refuges; increased responsibility for local authorities to house victims of domestic abuse; new laws which broaden the definition of abuse to include non-physical behaviour; more options for resolution which give increased power to the victim with strengthening of non-molestation orders and occupation orders; abuse formally recognised 'regardless of sexuality and gender'; and improvements in the court process, including Specialist Domestic Violence Courts and Independent Domestic Violence Advisers (IDVAs).

The failures of police and the justice system have come under increasing scrutiny in the last two years, and forces are drawing up new plans in collaboration with work from the College of Policing to improve victims' protection and experience and increase successful prosecutions.

Alongside these positive measures for adults, there has been a new focus on young people and teen abuse with the lowering of the age of adult domestic abuse cases to include 16 and 17 year olds, and the Home Office teen-targeted 'this is abuse' campaign.<sup>5</sup>

### **Changing public attitudes**

In tandem with these policy changes, public attitudes to domestic abuse have shifted. The vast majority of the population now considers violence in a relationship as wholly unacceptable, with only a small percentage believing it can be justified under certain circumstances.<sup>6</sup> Whilst by no means complete, this cultural shift has begun a more public discussion of what constitutes domestic abuse, and why it is deplorable. Popular films and soaps tackle abuse plotlines with increasing nuance, working closely with specialist organisations and leading to huge spikes in service demand as individuals recognise their own relationships in those portrayed on screen. More recently, mainstream media has included relationships which move beyond the stereotypical male-female pairing of abuser-victim, such as the abusive relationship between the lesbian couple Tina and Tosh in the BBC soap *EastEnders*.

Taken together, we see a positive picture of increasing understanding, support and acknowledgement across the public and political spectrum.

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<sup>5</sup> See Home Office supporting material at [www.gov.uk/government/collections/this-is-abuse-campaign](http://www.gov.uk/government/collections/this-is-abuse-campaign). Main website: [thisisabuse.direct.gov.uk](http://thisisabuse.direct.gov.uk)

<sup>6</sup> 9 per cent of adults (16-59 year olds) believe it is always, mostly or sometimes acceptable for someone to hit or slap their partner in response to their having an affair or cheating on them; 3 per cent agree for flirting with other people and 1 per cent in the case of constantly nagging or moaning. From Crime Survey for England and Wales, 2012/13. Office for National Statistics.



### **Financial pressures: families and services are feeling the strain**

However, recent years have put strain on budgets for both individual households and in funding for services. The economic downturn following the crash of 2008 knocked wages, employment and living standards. This has put pressure on individuals and families' budgets, making financial independence and leaving a relationship even harder.

Government measures to tackle the deficit have seen spending for all non-ring fenced budgets reduced. General state provision of welfare (in its broadest definition) has faced major cuts, with further cuts planned by all major parties.<sup>7</sup> Numerous specialist domestic abuse services have been forced to close following non-continuation of funding and changes in local commissioning.

Following a major 'SOS' campaign led by Women's Aid, refuges have had a welcome boost of a £10 million investment from the Department for Communities and Local Government to help protect the national network of domestic violence refuges. But this grant comes after widespread closures: 17 per cent of Woman's Aid refuges in England have closed since 2010; the Council of Europe calculated that England has a 32 per cent bed space shortage. Despite worthy investment, refuges will be stretched to sustainably provide safe accommodation for all who need it.

Legal aid restrictions form another barrier to support for people experiencing abuse. Eligibility for free legal representation has been greatly reduced, which many argue has had an adverse impact on victims of domestic abuse. Government has repeatedly reiterated their commitment to provide legal aid to all victims of domestic violence who are separating from an abusive partner. To improve access they have twice revised the requirements for evidence to prove abuse. However, evidence from the legal charity Rights of Women, supported by the Law Society amongst others, finds that many victims are denied legal aid due to restrictions, even in cases with ongoing risk of violence.<sup>8</sup>

Collectively, this unveils a mixed picture of the context for victims of abuse, with some positive steps on many policy fronts, alongside increasing financial pressures and the ongoing reality of austerity. Our research and engagement with the frontline of Citizens Advice explores how victims of domestic abuse are able to access the support and resources they need to act, take control and move on from abuse, and where Government, services and wider society need to intervene.

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This report brings together our frontline evidence from across the country to assess Citizens Advice advisers' experiences in supporting and ability to refer

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<sup>7</sup> Corlett, A. and Wittaker, M. (2014) 'In the balance: public finances in the next parliament' Resolution Foundation.

<sup>8</sup> 'Evidencing domestic violence: reviewing the amended regulations'. Rights of Women, Women's Aid, Welsh Women's Aid. 2014. <http://rightsofwomen.org.uk/wp-content/uploads/2014/12/Evidencing-domestic-violence-IV.pdf>

victims of domestic abuse to specialist care. We compile evidence from a new online survey with latest case notes and follow-up interviews with frontline advisers about those who come to Citizens Advice Bureaux (CAB) seeking help.

Following the summary of the research findings, we pull out implications for policy-makers, services, specialist groups and other campaigners.

### **Methodology**

The research is based on engagement with our network of 22,000 bureaux staff and volunteers asking about their experience working with victims of domestic abuse and specialist services.

While this data is once-removed from victims themselves, it provides a valuable snapshot of the experience faced by many in their attempt to leave an abusive relationship and for individuals and their families to move on, emotionally, financially and practically.

As the data shows, many of these individuals speak to a CAB adviser without having disclosed abuse to any other professionals, and in some cases their informal networks. This report is not representative, but it does profile the experiences of some of the victims otherwise invisible to police, the justice system or specialist services.

The survey is comprised of evidence from 302 advisers and supervisors (hence forward 'advisers') from a cross-section of our 300 bureaux across England and Wales. Percentages refer to those who had seen at least one case of domestic abuse in the last year unless otherwise stated. The survey was live online from 8 December 2014 to 19 January 2015.

### **A note on language and scope**

We use the term 'domestic abuse' throughout to focus on the broad range of emotional, physical, sexual or financial behaviours that can constitute abuse in an intimate relationship: an incident or pattern of controlling, coercive, threatening behaviour, violence or abuse.<sup>9</sup> The report focuses on abuse between current or former partners, reflecting the majority of cases we see in bureaux. However many of the implications highlighted will be still be relevant to other forms of familial abuse.

The report consciously doesn't refer to violence against women and girls. While there is no doubt that the majority of abuse (and the most serious cases of abuse) is perpetrated by men against women<sup>10</sup>, and the gendered nature of

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<sup>9</sup> See Domestic Violence Intervention Project (1984) Power and Control Wheel, Minnesota: Duluth

<sup>10</sup> While men and women can be victims of domestic abuse, women are more likely to have experienced domestic abuse and they are also more likely to have experienced multiple incidents of abuse: 89 per cent of those individuals who have been subject to 4 or more

this type of crime cannot be ignored, abuse can happen to any individual, in any type of relationship, regardless of sexuality or gender. And those who do not fit the traditional female-victim, male-perpetrator stereotype may face greater barriers to disclosure and seeking appropriate help.

Finally, we use the terms 'victims' and 'perpetrators' throughout, but do not mean to imply that those who experience abuse should be reduced to 'victim' status and even that those who commit abuse should not be solely understood as 'perpetrators.'

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incidents of domestic abuse (by the same perpetrator) since the age of 16 are women. See Walby, S., & Allen, J. (2004) Domestic violence, sexual assault and stalking: Findings from the British Crime Survey. London

## Domestic abuse cases: prevalence, presenting issues and disclosure

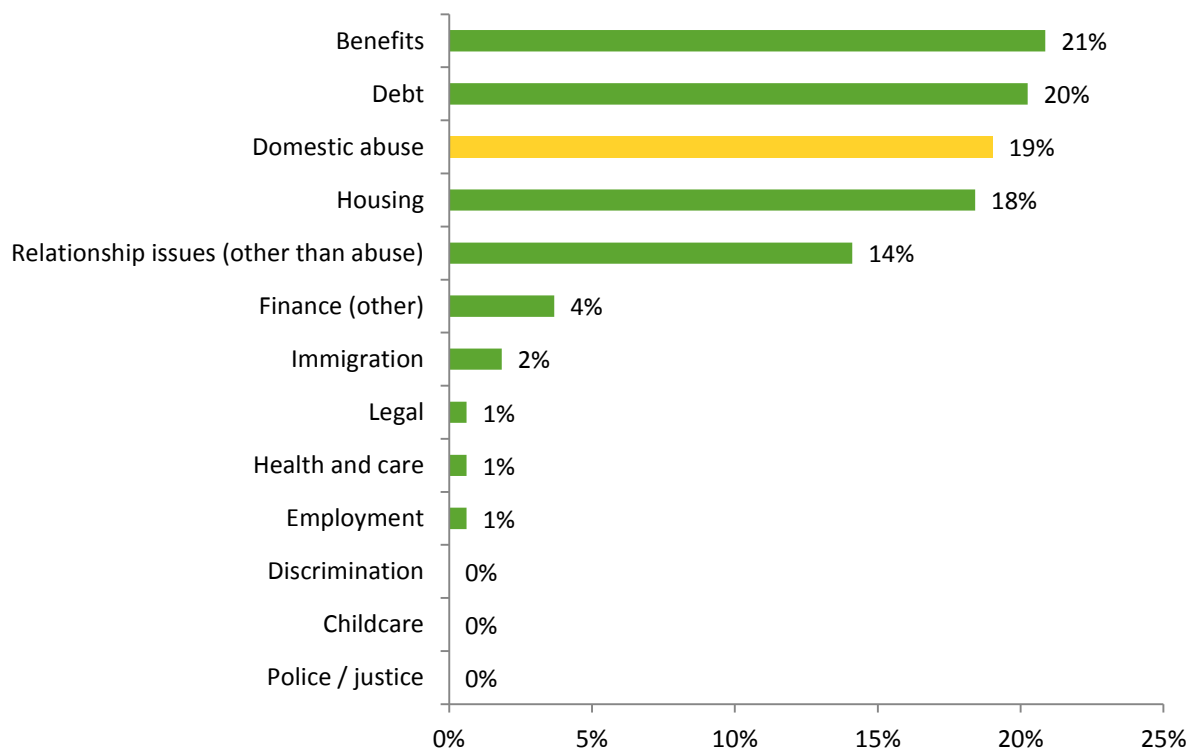
More than 8 in 10 of our CAB advisers who responded to the survey report having dealt with cases of domestic abuse in the last year; almost half of deal with domestic abuse cases at least every month.

These figures indicate the prevalence of domestic abuse amongst our clients. Though our national data (based on adviser reports) show that around 13,000 individuals contact Citizens Advice because of domestic abuse each year, we know that this is just the tip of iceberg. In many cases, an individual may approach Citizens Advice with a presenting issue of debt, housing or finance, but domestic abuse can lie at the heart of problem. Where there is abuse, this can play a causal, exacerbating or complicating role to other practical problems they face.

### The 'presenting issue' for domestic abuse victims is often housing, benefits and debt

Respondents report that in the majority of cases where they support victims of domestic abuse, those individuals have not come to Citizens Advice about a domestic abuse case. In the large majority of cases the primary presenting issue will be housing, benefits, debt, or housing issues.

*Primarily what is the main issue victims of domestic abuse tend to be seeking help for?*



This partly reflects Citizens Advice's association with those issues. However, the notes for individual cases explain how domestic abuse can both cause and complicate other issues.

That benefits, debt, housing and other relationship issues are typically the 'presenting problems' should come as no surprise. Those experiencing or fleeing abuse may need specialist support around child custody or divorce; victims of financial abuse can often be facing complex debt which they took out under duress, and allocating the correct benefits can be a struggle when a partner's live-in status may fluctuate. Housing is an immediate pressure when escaping an abusive relationship.

### **Victims of domestic abuse struggle to disclose**

Another reason individuals may seek help about a surface, 'practical' problem is because of the struggle some have to disclose or even acknowledge to themselves that their relationship is abusive. In one adviser's assessment:

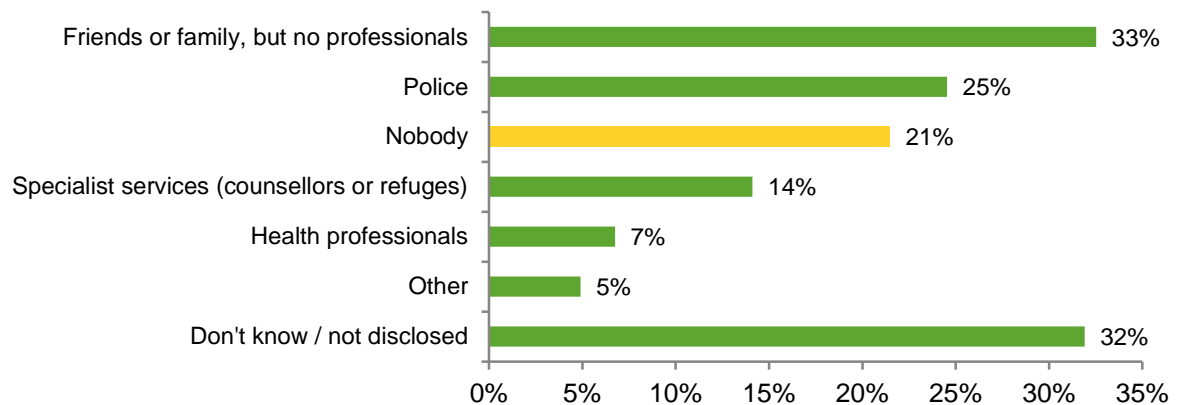
*'I'm sure many slip through the net without us knowing of the abuse.'*

Rather than waiting for an individual to disclose abuse voluntarily, in 2013 Citizens Advice piloted a routine enquiry question in a small number of bureaux across the country. The pilot involved advisers proactively asking whether or not there domestic abuse was prevalent in our clients' lives, which led to a substantial increase in disclosure rate. Rather than the comparable 0.8 per cent who independently disclose abuse across England and Wales, amongst the pilot bureaux 7 per cent of individuals with presenting issues of housing, benefits or debt told us they were currently experiencing domestic abuse or gender-based violence: an 800 per cent rise. A further 20 per cent disclosed that they have experienced abuse in the past. Citizens Advice is now in the process of rolling out the process of asking a routine enquiry across all bureaux, providing training and support for advisers.

Due to the difficulty many victims can have in speaking up, an adviser can sometimes be the only person outside the relationship who is aware of the abuse.

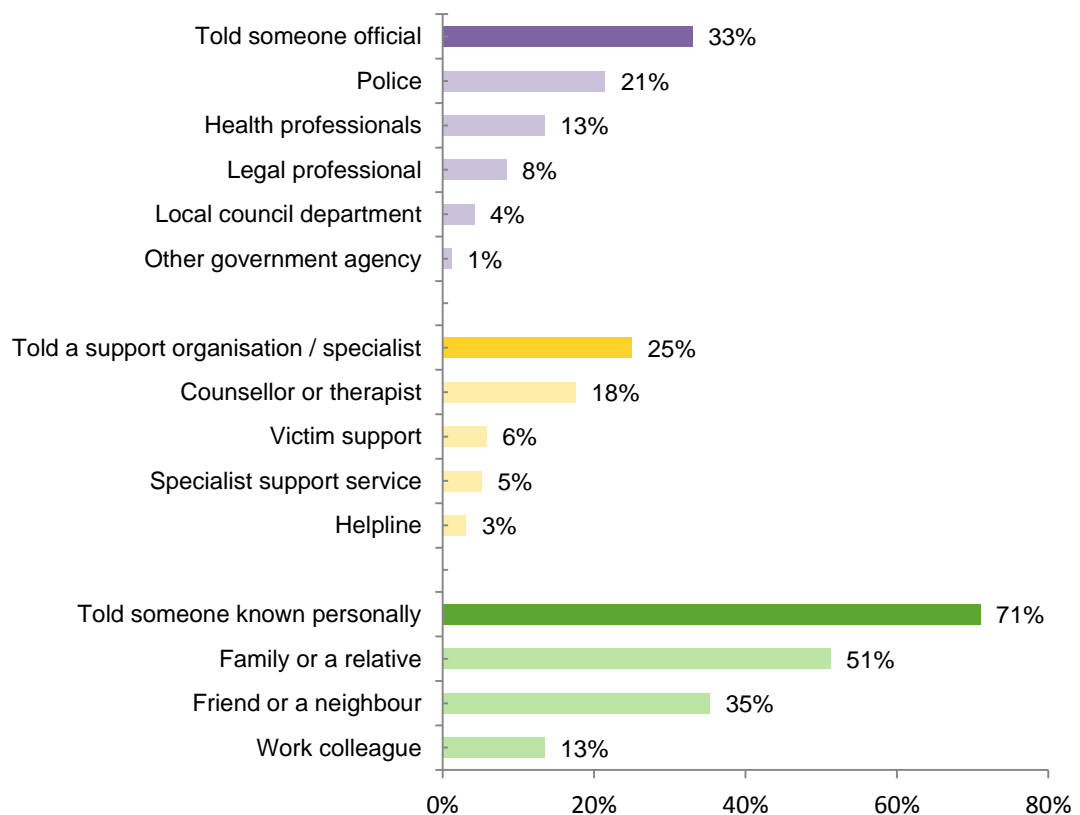
Of our survey respondents, a fifth reported that usually there was nobody else aware of the abuse. And in a third of the cases, respondents reported that friends or family may be aware, but that no other professionals were involved.

*Are other professionals or friends / family usually aware of the abuse when it is reported by a client?*



Our data echoes evidence from the British Crime Survey. Only 21 per cent of victims in a targeted survey had told police about the abuse they had experienced, and only 13 per cent had told a health professional. The figures are slightly higher when it comes to specialist organisations or counsellors: 25 per cent of victims do reach out to specialist services.

*Percentage of victims of domestic abuse who disclosed to professionals and contacts*



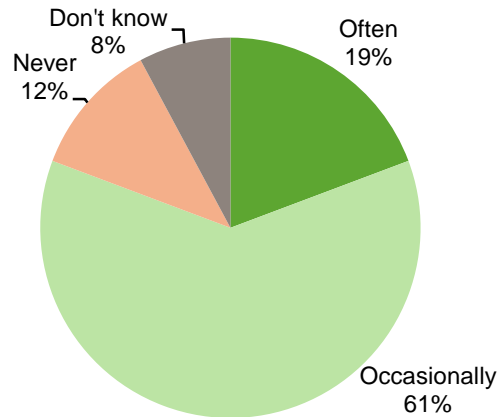
Source: Crime Statistics, Focus on Violent Crime and Sexual Offences, 2012/13<sup>11</sup>

<sup>11</sup>Darker bars present the total for that category

**Victims may not be aware their experiences constitute abuse, especially in cases on non-physical abuse**

Perhaps more concerning are cases where clients don't realise they are experiencing abuse in the first place. More than 80 per cent of our sample had advised a client who shared experiences of abuse but did not realise the behaviours they were describing constituted domestic abuse. A fifth of the advisers described this as 'often' happening.

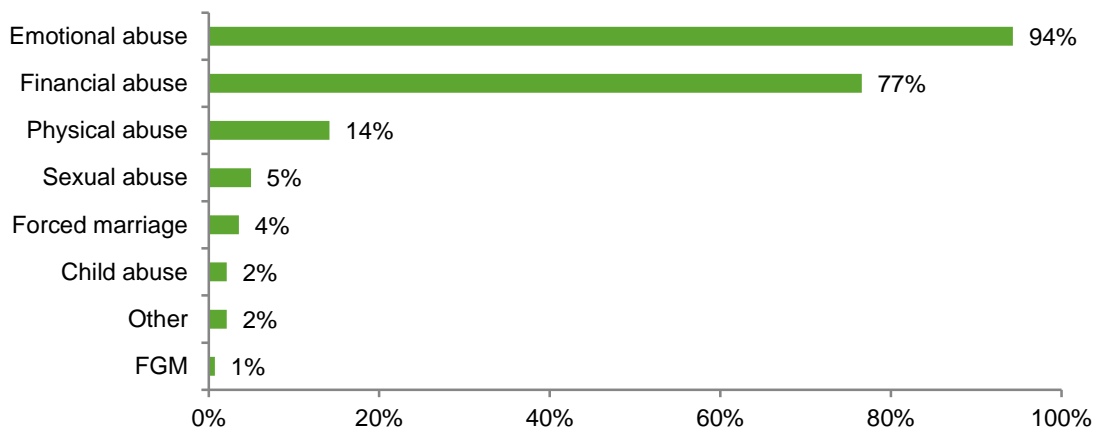
*Have you ever seen a client who did not realise the behaviour they were experiencing was domestic abuse?*



Of those respondents who often or occasionally dealt with these clients, this was overwhelmingly in cases of non-physical abuse: 94 per cent of our advisers had encountered a case that included emotional abuse, coercive or controlling behaviour, and in 77 per cent of cases there was financial abuse.

That said, 14 per cent of these cases had included physical abuse, and 5 per cent of cases had included sexual abuse, without the client realising they were a victim of domestic abuse.

*Of the most recent case in which your client did not realise the behaviour they were experiencing was abuse, what best describes the abuse?<sup>12</sup>*



<sup>12</sup> Respondents were invited to select all that applied. Question asked only of those who responded 'often' or 'occasionally' to the previous question.

This highlights starkly the gap between the government definition of abuse and public understanding. The home office definition, and new offence of coercive control, is not always recognised by individuals experiencing this type of non-physical domestic abuse. One adviser recounted that:

*'Many people assume abuse has to be physical, so would not see themselves as a victim even if [they] experienced other types of domestic [abuse].'*

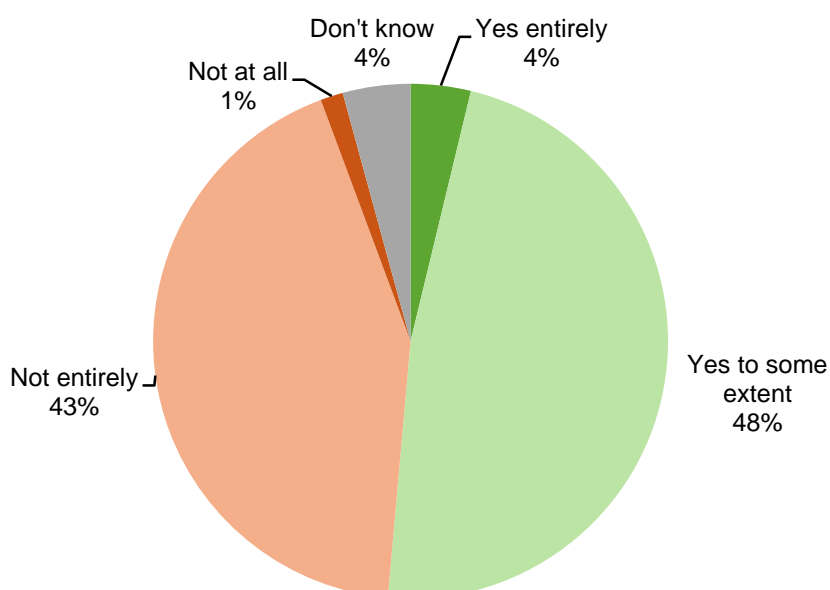
The comments from advisers also highlighted the difficulty of some experiencing inter-generational abuse, in acknowledging and seeking help, or being reluctant to report, or unaware that violence from an adult son or daughter for example, would constitute domestic abuse.



## Barriers to resolution: complexity, service provision and legal aid

Given the emotional and practical complexity of domestic abuse cases it can come as no surprise that not every case can be successfully resolved. While across our whole service, more than half of advisers are able to support clients to entirely resolve their cases, when it comes to domestic abuse only 4 per cent of advisers reported this.<sup>13</sup> This stark contrast underscores the emotional and practical complexities of abuse.

*When a client comes to you about a domestic abuse problem, can you usually resolve their problem?*



Of those who found it was not always possible to resolve issues in domestic abuse cases, this was often due to the complexities (emotional as well as practical) of the case, or the client deciding not to take the case forward.

41 per cent of advisers cited client decision as a typical reason they could not resolve their case:

*'Often clients feel they have little choice but to stay in the relationship as they have too much to lose.'*

*'The client is not always ready to take the next step.'*

Extricating oneself from an abusive relationship is emotionally complex, and can increase rather than decrease the risk to their safety in the short term. Any decisions need to be taken at the pace of the individual.

<sup>13</sup> 'What did CAB do for you?' National outcomes and impact research report. Citizens Advice 2013/14.  
[http://www.citizensadvice.org.uk/index/aboutus/impact\\_of\\_citizens\\_advice\\_service.htm](http://www.citizensadvice.org.uk/index/aboutus/impact_of_citizens_advice_service.htm)

That said, the complexities of leaving an abusive relationship are not solely emotional: many struggle with the practical implications of leaving.

60 per cent of those who have been unable to fully resolve a case cite the complexities of the case as the barrier. Advisers explain:

*‘Domestic abuse is often one part of a bigger problem [which affects] housing, benefits, access to children etc. – so it’s unrealistic to resolve everything at once.’*

*‘Clients can struggle with a lack of access to financial support to leave the home – lacking appropriate accommodation, or a lack of one-to-one support for the process of leaving.’*

As explored in our earlier report, ‘Controlling money; controlling lives’<sup>14</sup>, financial abuse can play a complicating factor in individuals escaping an abusive relationship. This can be because they lack any access to finance, or where they struggle to disentangle accounts and assets from the perpetrator.

In a current case, a woman has left her partner, but the bank won’t allow her to split her joint-accounts without her husband being present.

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*A. has left her marital home following violence and is currently living with her parents. However, all her accounts are joint with her husband, and the bank has insisted she cannot close the account or remove her name without his consent and physical presence. The husband is continuing his abusive control over her through running up debts. While she fears the financial implications of being burdened with debt in her name, she is too afraid of her husband to see him again – even should he agree to split their accounts and assets. The bank so far has refused to offer an alternative solution.*

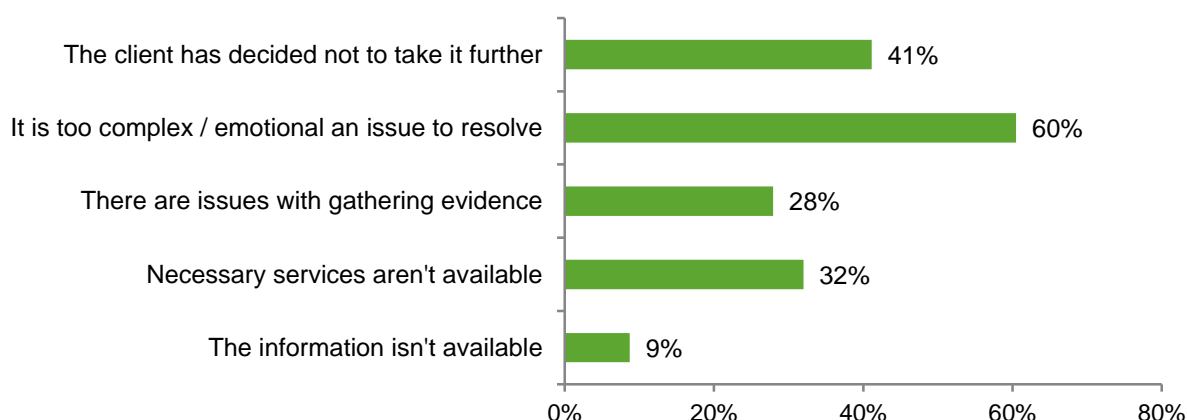
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Other challenges our advisers have encountered in supporting victims are being able to refer them to practical or legal support. Almost a third of respondents have struggled to find the necessary services for victims of abuse, and more than a quarter cited the difficulties of gathering evidence that is requirement for legal aid or prosecution.

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<sup>14</sup> ‘Controlling money, controlling lives. Financial abuse in Britain. Citizens Advice, 2014. [http://www.citizensadvice.org.uk/index/policy/policy\\_publications/er\\_credit\\_debt/controlling-money-controlling-lives.htm](http://www.citizensadvice.org.uk/index/policy/policy_publications/er_credit_debt/controlling-money-controlling-lives.htm)

*Of those who did not manage to successfully resolve a client issues, the main reasons cited were...*



### **Specialist support is not always available**

Some of the most complex cases we encounter highlight the need for specialist, dedicated and continuing support throughout the process of leaving an abusive relationship. The successful case of a young woman we worked with last year – one where support was available throughout from numerous quarters – demonstrates the numerous barriers she faced in tackling the abuse she was subjected to. Without support from her GP, an adviser, her local solicitor and the successful coordination between members of the Multi-Agency Risk Assessment Committee (MARAC) there were many moments she could have given up.

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*B. had experienced physical and emotional abuse from early on in her marriage, initially from her husband, but increasingly from other members of his family. She had existing mental health problems that made seeking help and leaving her relationship harder. She approached her GP to discuss her mental health. Her GP recognised that she was a victim of domestic abuse and diagnosed her mental health condition, giving her access to the talking therapies and medication she was in need of.*

*The talking therapy built her confidence to the point where she took the step of leaving her home. She had limited literacy and could not access help from specialist services or online information but came to a bureau where an adviser built a relationship with her and ended up helping her through the process.*

*She struggled to collect the evidence she needed for legal aid, partly because she had left everything behind, and partly because of her literacy and mental health problems.*

*With dedicated support, she was eventually able to gather together the evidence needed, and was provided a local solicitor who began filing for divorce. While she had left her husband, she and her family were still victims of threats from him and his family. This included threats to her life as well as*

*to property. The Multi Agency Risk Assessment Committee was able to liaise between the GP and other health professionals, adult social services, the solicitors and the police to look at the victim's situation in a cohesive manner and lead to a complete risk assessment of the client. They were able to help reassure the victim and address the ongoing threats she faced from her former partner until his successful conviction.*

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While the case study above exemplifies the best practice from a range of actors to bring one woman's experience to a positive conclusion, this level of support isn't always in place.

When asked to consider the support services in the local area for domestic abuse, the majority of respondents knew about resources and support for female victims in the area. However, two thirds reported there was often not enough capacity for need. 4 in 10 disagreed that there was adequate specialist support for victims of domestic abuse [see chart on following page].

Over 4 in 10 of CAB advisers report victims being let down because there is nowhere to refer them, and a similar proportion disagreed there was adequate support for victims of domestic abuse.

The fact that the majority of resources are for women who are victims of domestic abuse at the hands of male partners reflects the prevailing form of abuse. However, those who can't use these services can struggle to find support at all.

Greater proportions struggled to access appropriate resources and support for more specialist groups, only:

- 16 per cent found it easy to access for ESOL groups
- 15 per cent found it easy to access for specialist ethnic, cultural or religious groups
- 13 per cent could access resources for male victims.

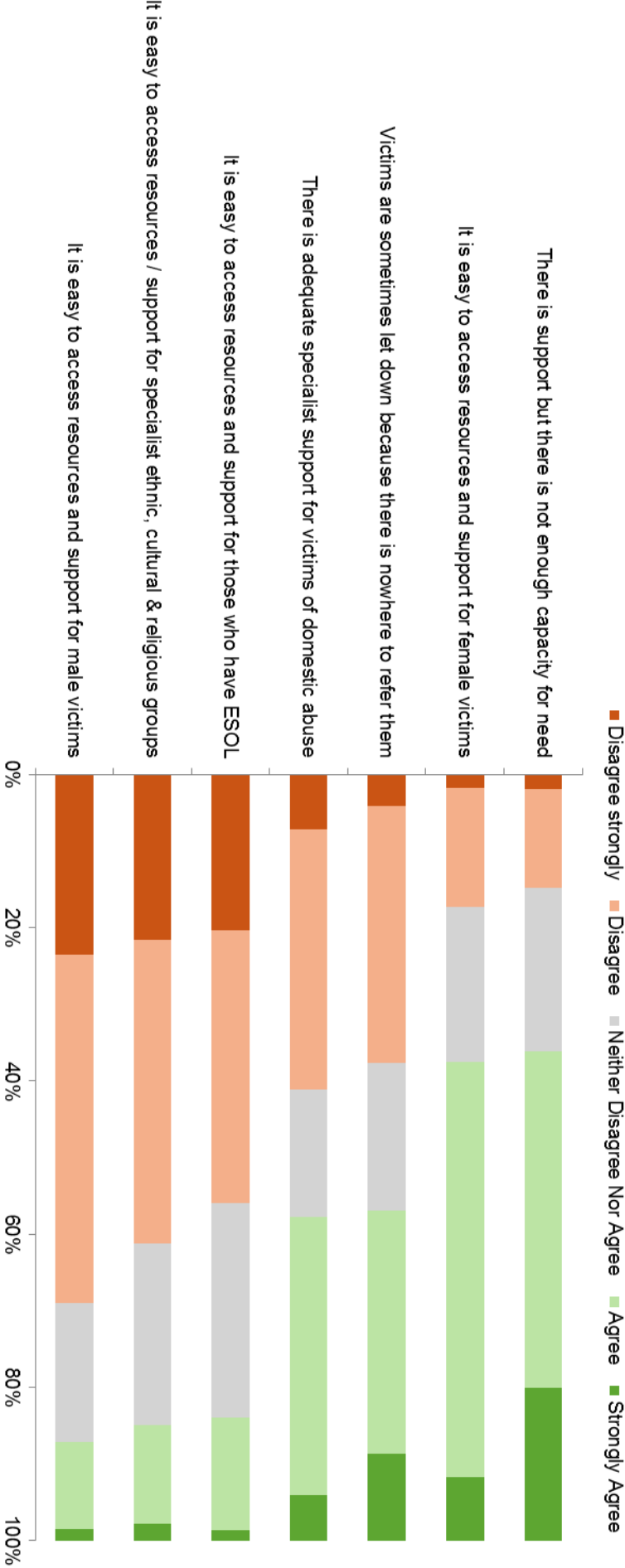
This may be partly because advisers are less aware of the services that are available for these specialist groups, given they are less common cases.<sup>15</sup>

As with services for female victims, the specialist helplines that do exist can be under-resourced and not always able to meet need. Adequate provision is especially important where they may be the only touch-point for an individual because they feel uncomfortable or are unable to engage with other public services.

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<sup>15</sup> Some examples of available services for these groups are: the Men's Advice Line, which provides a range of services aimed at men experiencing domestic abuse from their partner; Survivors UK, helps men who have been sexually abused; IMKAAN, a UK-based, black feminist organisation dedicated to addressing violence against women and girls; and Southall Black Sisters which is set up to meet the needs of black and minority ethnic women. Further details of support services can be found on the Citizens Advice website.

*When encountering cases of domestic abuse in your local area...*



Several case notes from across England and Wales report a male victim feeling disadvantaged not simply by a lack of access to local services, but feeling let down by police and justice systems.

In one case earlier this year, a man in his late twenties came to Citizens Advice as a victim of domestic abuse from his female former partner.

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*C. had experienced emotional and physical abuse from his female partner, which came to a head one evening when she had locked the front door and threatened to stab him. He escaped the house, but was arrested by police, who presumed him to be the perpetrator of abuse despite his injuries and her lack of injuries. The police refused to accept his account, photograph his physical injuries or take adequate evidence to investigate his claim. Following the arrest he has lost access to his children. He is distressed, both with the failure of the police to take evidence, and the fact he has been deemed ineligible for legal aid to dispute his case and lack of access to his children.*

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There are cases where perpetrators claim to be victims to escape prosecution, and it can be difficult for police to identify the primary perpetrator - particularly where there are complicating factors like addiction or mental health problems. Of course, the majority of cases feature a male perpetrator and a female victim, and funding or institutional support for women should not be diverted. However, in cases where there is a male victim, he deserves the same rights to investigation, legal action and support as a female victim.

Broken Rainbow, the only national LGBT domestic violence service (for victims and perpetrators) is coming to the end of its Home Office funding, and is looking likely to close its helpline. Hammersmith and Fulham are also considering closing London's only domestic violence shelter for gay and bisexual men, meaning the government has not committed any funding to refuges specifically for LGBT people anywhere in England. The reality is these groups may be completely unable to seek help elsewhere.

While there is comparatively little research on LGBT intimate relationships in the context of domestic abuse, the recent Coral research reports the high proportion of these individuals who have experienced abusive behaviour.<sup>16</sup> Other studies highlight the multiple complex barriers to successfully seeking help, from fear of homo/bi/transphobic victimisation from professionals, to worries about being 'out-ed', to an inability to find specialist support.<sup>17</sup>

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<sup>16</sup> Donovan, C. Barnes, R. Nixon, C. (2014) 'The Coral Project: Exploring Abusive Behaviours in Lesbian, Gay, Bisexual and/or Transgender Relationships. Interim Report.'

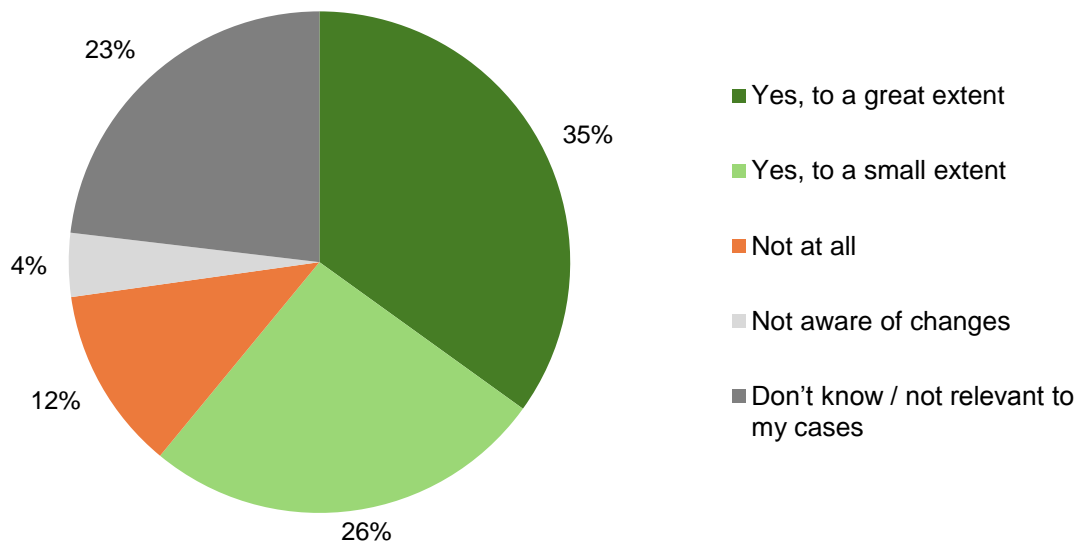
<sup>17</sup> Harvey, S. et al (2014) 'Barriers faced by lesbian, gay, bisexual and transgender people in accessing domestic abuse, stalking and harassment, and sexual violence services'. Welsh Government <http://wales.gov.uk/statistics-and-research/barriers-faced-lesbian-gay-bisexual-transgender-people-accessing-domestic-abuse-sexual-violence-services/?lang=en>

*'I needed help but didn't know how to access any or if there was any available to me.'*

### Restrictions to legal aid have restricted victims' access to justice

Over 60 per cent of advisers have found the changes regarding legal aid since April 2013 have affected the help they have been able to give domestic abuse clients.

*Have legal aid changes that came into force from April 2013 affected the help you have been able to give domestic abuse clients?*



Of those who had been affected by legal aid change, around a fifth reported that they could no longer help as many domestic abuse clients as before. A similar proportion found most domestic abuse clients were unable to afford required contributions when offered legal aid, resulting in some representing themselves in court. This is resulting in an unacceptable situation where a victim of domestic abuse may face being cross-examined by their perpetrator.

Even in cases where the victim can provide the evidence required for legal aid, many advisers recount that clients were required to pay substantial additional fees due to their assets or income. In many cases, the victim is trapped in a catch-22 situation unable to access their assets because of domestic abuse, but unable to resolve the situation with their abuser without expensive legal consultation and representation.

One example is a single woman in her 50s with dependent children.

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*D. has a jointly-owned property with her husband. She fled her home and her children following abuse from her husband and is currently living in a refuge. She approached a solicitor seeking help with a divorce, and to manage access to her daughters, but was told that, despite evidence of abuse, she was ineligible for free legal aid because her share in the property would*

*require large contributions. She was also told by the council she is unlikely to be offered housing outside the refuge because she part-owned the marital home. She came to bureau highly distressed, feeling disadvantaged by both council housing policy and legal aid assessments, and struggling to see a way of rebuilding her life following abuse.*

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Recent research by Rights of Women highlighted similar issues<sup>18</sup>. Of the 182 female victims surveyed, a third were unable to access free legal support because their disposable income was above allowed limits, and 14 per cent were ineligible because of capital or savings above the limits.

Despite the broadening of criteria accepted as evidence of abuse, almost 1 in 4 of CAB advisers cite issues with gathering evidence as a major barrier to resolving domestic abuse cases.

*‘Victims face [multiple] issues, including housing, child arrangements and financial issues. Usually individuals will need a solicitor’s help, but it can be hard to prove domestic abuse for legal aid purposes – especially emotional and financial abuse.’*

*‘[Victims] are missing out on legal aid because of difficulties providing evidence of domestic abuse.’*

38 per cent of women in the Rights of Women survey who had experienced or were currently experiencing domestic violence did not have the prescribed form of evidence to access family law legal aid.<sup>19</sup>

Of those who were eligible, and able to collect evidence, 1 in 10 had to pay over £50 to receive this evidence – a requirement could be a barrier for victims of financial abuse, those in low incomes or those who don’t have access to immediate funds. For those that have been victims of financial abuse and left destitute, sometimes even a high charge on a phone line can be an effective barrier to seeking justice or being able to leave a relationship.

One adviser described legal aid restrictions as ‘a major barrier to getting full resolution.’

A recent Rights of Woman study shows over half of the respondents who were unable to access legal aid did nothing as a result, essentially being forced to give up their legal rights and leaving them potentially vulnerable.<sup>20</sup>

*‘The law leaves me in a situation where my ex can come round when he wants to, text me, phone me and as long as he doesn’t swear, make threats or hit me I can’t stop him. I and my kids are constantly*

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<sup>18</sup> ‘Evidencing domestic violence: reviewing the amended regulations’. Rights of Women, Women’s Aid, Welsh Women’s Aid. 2014. <http://rightsofwomen.org.uk/wp-content/uploads/2014/12/Evidencing-domestic-violence-IV.pdf>

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.



*frightened, living in lock down conditions and there is nothing we can do.'*

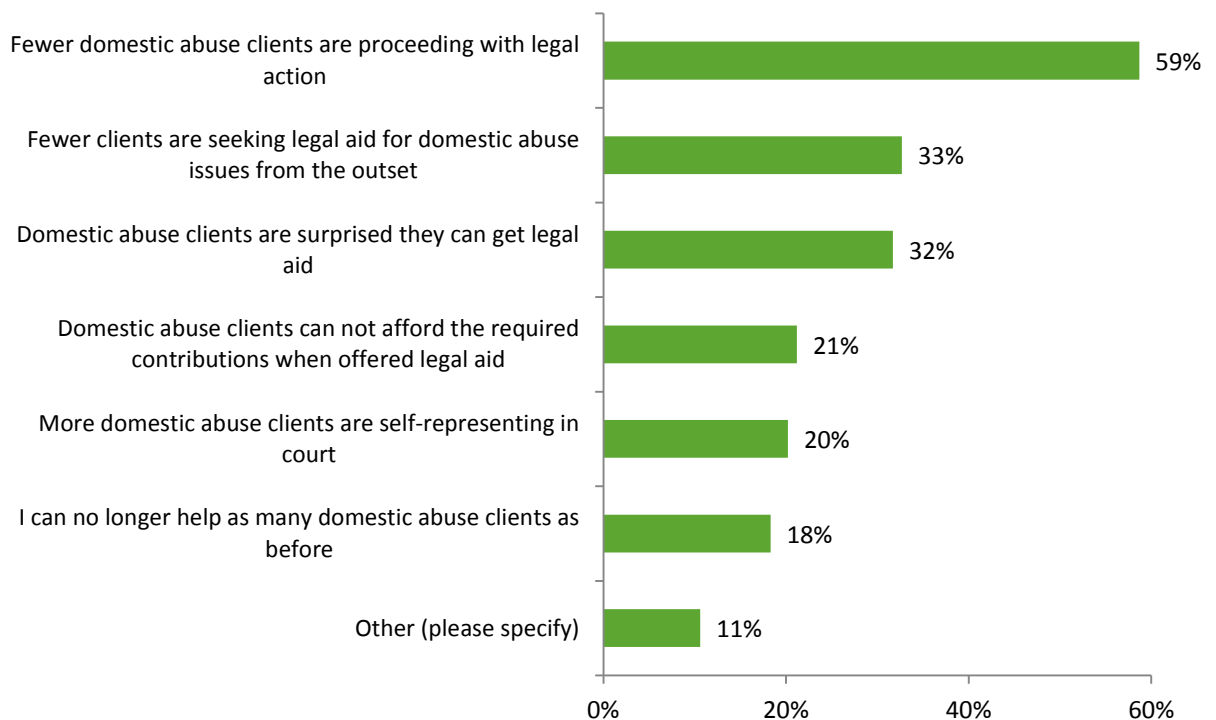
*'I am in a legal 'black hole' I don't qualify for legal aid and cannot afford a solicitor. So after years of sexual and emotional abuse I am left to deal with my son's father (the perpetrator) alone.'*

A quarter of victims unable to access legal aid decided to represent themselves in court.

*'I earn a low income, yet I've been assessed as having too much disposable income (they don't take into account living costs...) and when you aren't eligible you're expected to pay full solicitors costs – there's no help anywhere in between. I've had to face my violent ex-partner in court twice now, and will have to continue to do so as I simply cannot afford costs.'*

Our data supports this, showing that almost 6 in 10 respondents who had been affected by legal aid changes have seen fewer victims of domestic abuse proceeding with legal action.

*[Of those cases which were affected by legal aid] what did this mean?*



One adviser describes 'often [seeing clients who have been told they are] ineligible for legal aid, even when they are destitute'.

## Implications for policy makers and campaigners

The findings presented here are drawn from a small scale piece of research: further work is underway to develop a series of detailed policy recommendations based on further research and analysis. That said, this snapshot from the frontline has some implications for policy makers and campaigners in better supporting victims of domestic abuse.

The research highlights pressures on specialist services and legal aid. While acknowledging the many positive steps taken by this and previous governments to offer greater support, victims are still struggling to access the support that they need to move on from abuse. We argue that this needs to be urgently addressed in the case of legal aid: it is unacceptable that high proportions of victims are unable or restricted from seeking the justice they deserve. Victims should not be walking away from their own assets, even homes, because they cannot afford legal fees or necessary contributions and cannot face representing themselves against their abuser.

Whilst Government has unquestionably improved the evidence requirements to make legal aid more accessible, there is further to go in broadening requirements if it is to honour its pledge to support victims. As coercive and controlling behaviour is created as a new offence in domestic abuse cases, it is important that the evidence requirements cover this form of abuse alongside physical and sexual abuse.

Alongside provision of specialist and formal services, our findings also have implications about the importance of non-specialist support, and providing structures which encourage early identification and disclosure.

Domestic abuse in the UK is estimated to cost society £15.7 billion per year.<sup>21</sup> Investments of the kind we outline below would be low cost measures that would help reach more victims earlier, and support those who have been victims to move on with their lives safely. Tackling domestic abuse, reducing its occurrence and severity, and helping people move on more quickly should reduce the costs for local government and national services by minimising the expensive costs at the sharpest end: rehousing, criminal trials, or in the worse cases, homicide.

\* \* \*

### **1. Financial and emotional abuse need to be better articulated**

Alongside changes to the law to recognise coercive and controlling behaviour as abuse, Government and other parties should promote and support more public-facing education and awareness about non-physical forms of abuse. Criminalising these types of behaviours won't support victims of domestic abuse unless there is greater understanding of coercive control and financial exploitation constituting abuse.

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<sup>21</sup> Walby, S. (2009) The Cost of Domestic Violence: Up-date 2009. Lancaster

This should be coupled with clear guidelines for police and other frontline service providers to ensure they can identify and offer evidence which can be successfully prosecuted as a crime.

## **2. Policies which affect benefits, debt or housing need to better consider the needs of abuse victims**

Domestic abuse can cause and complicate problems of debt, housing and finance. Despite explicit responsibilities for local authorities to provide housing for victims of domestic abuse (Family Law Act 1996; Homelessness Code of Guidance 2006, updated in 2014; Housing [Wales] Act 2014), we see cases where this fails to materialise. Access to accommodation, legal aid or emergency benefits can be complicated where victims have assets which they cannot fully access due to an abusive situation or relationship.

While there is clearly some effort made to consider the needs to victims in these areas, often victims feel trapped and unable to (successfully) escape their perpetrator. Fleeing abuse is not simply an act of will: it requires the financial and practical ability to leave or take action.

*‘Housing and benefits are the joint first issue – where can I go and what will I live on?’*

As universal credit rolls out more widely - including include Child Tax Credits - Government must monitor the impact it has on domestic abuse cases. Paying all monthly household finances to one individual has inherent risks for people in abusive relationships, allowing perpetrators to take complete control of finances. And while an exemption is available, as it relies on both the claimant proactively applying and the exemption being granted, this may not prove enough of a safeguard for victims.

## **3. Financial institutes need to develop consistent guidelines to allow victims to detangle their assets from abusers safely**

Creditor trade associations, individual banking firms and the Financial Conduct Authority should come together to write and agree best practice guidance to tackle financial abuse and support victims, including providing clients with appropriate leeway, sensitive treatment and safe communication. This group should review and recommend policies and procedures for freezing, splitting and rearranging finances in cases of abuse, to agree a common approach to supporting victims of abuse detangle their assets without putting them at risk or forcing them to engage with their abuser. They should also consider developing a safe process for signalling duress on calls.

Evidence requirements must be appropriate and available for those who may be unable to access all their records.

#### **4. The Ministry of Justice should revise evidence requirements and financial contributions for legal aid**

Legal aid restrictions are blocking victims of domestic abuse seeking justice and exercising their rights. Evidence requirements must be such that individuals suffering any type of abuse, without access to finance, can access legal aid. More thought needs to be given to the financial thresholds in the cases of joint-assets and potentially fluctuating income across an insecure relationship. In cases in which legal aid has been granted, additional fees must not be prohibitively high.

Despite government commitments, current victims of abuse are being denied justice through no fault of their own.

#### **5. Civil society need to be better equipped to recognise, support and refer victims of domestic abuse**

Domestic abuse is hugely prevalent in our society, yet specialist professionals only engage with a small percentage of victims.

Beyond police, refuges and specialist counsellors, there needs to be more consideration given to equipping and coordinating the efforts of civil society to better support victims. A friend, family member, colleague or adviser may be the only person aware of abuse.

Engaging non-experts in these conversations is undoubtedly sensitive. But a sustained campaign to broaden society's understanding of abuse, public-facing guidelines for what to do if you suspect abuse, and better engagement with community services could improve this 'non-expert' band of support. We can learn lessons from the Welsh Government's aims to strengthen their response by increasing awareness and understanding of domestic abuse across the whole of the public sector workforce (284,000) alongside a national awareness raising campaign. 35,000 public service professionals will also be trained to 'Ask and Act' in cases of suspected abuse.<sup>22</sup>

To support greater civil engagement and recognition, long-term funding must be committed to specialist helplines to ensure they can manage a greater call volume. While the service provision priority ought to reflect the make-up for the most serious and most at risk groups – largely women victimised by men – it is important that there is easily accessible phone support for those who may face multiple barriers to seeking help, including LGBT services, male victims, those with specific cultural, religious, ethnic or language needs, and for perpetrators. For some individuals, a phone call may be the only support they receive.

This report explores the role of formal support for victims of domestic abuse and the impact of recent policy and financial changes in enabling access. However, whilst acknowledging the importance of effective, professional,

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<sup>22</sup> Welsh Government Consultation document (2014) 'A consultation on the National Training Framework on gender-based violence, domestic abuse and sexual violence.' Welsh Government.

formal support, there is also a case for recognising the social (and socially contextualised) dynamics of abuse and how this impacts on victims' experience and ability to act. Without wider society playing a role, we risk failing to engage with the majority of victims in this country.

## **Our aims**

- Provide the advice people need for the problems they face.
- Improve the policies and practices that affect people's lives.

## **Our principles**

The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. We value diversity, promote equality and challenge discrimination.

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