

# *Destitution Domestic Violence Concession – Monitoring Research Report*

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A monitoring research project funded by Unbound Philanthropy

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**eaves**  
putting women first



## **About Eaves**

Established in 1977, Eaves is a London-based charity, which provides high-quality support, advice and advocacy to vulnerable women who have experienced violence such as trafficking, prostitution, domestic violence and sexual violence. The Research and Development team at Eaves conducts research, advocacy, capacity building and training on a host of Violence Against Women and Girls (VAWG) issues. This includes undertaking research to strengthen the evidence base around tackling and preventing VAWG and educating a variety of audiences on VAWG. In all of our work we strive to reflect the particular needs and experiences of women and girls whose lives are affected by violence and we work in partnership, coalition and networks with women's sector groups and government working groups. ([www.eavesforwomen.org.uk](http://www.eavesforwomen.org.uk))

## **About Southall Black Sisters**

Southall Black Sisters (SBS) is a not-for-profit organisation set up in 1979 to meet the needs of black (Asian and African-Caribbean) and minority ethnic women. SBS provides holistic information, advice, advocacy, counselling and support services to enable black and minority women to gain the knowledge and confidence they need to assert their human rights. SBS provide specialist advice on gender-related issues such as domestic violence, sexual violence, forced marriage, 'honour' based violence and their intersection with the criminal justice, immigration and asylum systems, health, welfare rights, homelessness and poverty. SBS also undertakes local, national and sometimes international educational, developmental, policy and research work (such as providing evidence to the Home Affairs Select Committee, Council of Europe and the UN CEDAW committee) aimed at tackling the underlying cause of violence against black and minority women. In the last 20 years, it has led campaigns, cases and policies on reforming domestic violence, immigration and the no recourse to public funds rule in the UK. ([www.southallblacksisters.org.uk](http://www.southallblacksisters.org.uk))

## **About Unbound Philanthropy (Funder)**

Unbound Philanthropy is a private grant-making foundation dedicated to ensuring that migrants, refugees, and their families are treated with respect and dignity; are able to contribute fully in their new communities; and can ultimately thrive in a society that is comfortable with the diversity and opportunity that immigration brings. ([www.unboundphilanthropy.org](http://www.unboundphilanthropy.org))

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Nisan Zerai Kesete

# Abbreviations

BAMER	- Black Asian Minority Ethnic and Refugee
CAB	- Citizens Advice Bureaux
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
DDV Concession	- Destitution Domestic Violence Concession
DV	- Domestic Violence
DWP	- Department for Work and Pensions
FCO	- Foreign and Commonwealth Office
FGM	- Female Genital Mutilation
FM	- Forced Marriage
FMU	- Forced Marriage Unit
GMC	- General Medical Council
GP	- General Practitioner
HBV	- 'Honour' Based Violence
HM	- Her Majesty
HRT	- Habitual Residence Test
ILPA	- Immigration Law Practitioners' Association
ILR	- Indefinite Leave to Remain
JCP	- Jobcentre Plus
JSA	- Jobseeker's Allowance
JSA DV Easement	- Jobseeker's Allowance Domestic Violence Easement
LASPO	- Legal Aid, Sentencing and Punishment of Offenders Act
LLR	- Limited Leave to Remain
LOTR	- Leave Outside the Rules
MARAC	- Multi-Agency Risk Assessment Conference
NINO	- National Insurance Number
PTSD	- Post Traumatic Stress Disorder
UK	- United Kingdom
UKBA	- United Kingdom Border Agency
VAWG	- Violence Against Women and Girls

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# Executive Summary

## Background

In the UK, many migrant women who are victims of domestic violence have insecure immigration status and some have the restriction of 'no recourse to public funds' even when they have a valid leave to stay in the country. The No Recourse to Public Funds (NRPF) rule is a condition attached to a residence permit in the UK, showing that a person who is subject to immigration control or without secure immigration status has no entitlement to most welfare benefits, tax credits or housing assistance measures that are paid by the state. This rule applies to many migrants including those on spousal or partner visas, people on student visas and their dependants, people on work visa and their dependants, refused asylum seekers and over-stayers. The NRPF restriction, therefore, has made it very difficult for many women who are victims of domestic violence to leave abusive situations. In most cases these women are forced to either remain in the abusive relationship or face destitution.

Since 1992, Southall Black Sisters (SBS), a women's organisation working for and with ethnic minority women, have led an extensive national campaign calling for reforms to the immigration rules and the NRPF requirement so that women experiencing violence are not facing the stark choice between abuse, deportation and destitution. Following this campaign, in 1999, the Government announced a concession, the Domestic Violence rule, to allow those on spousal or partner visa and whose relationship has broken down as a result of domestic violence, to obtain Indefinite Leave to Remain (ILR) if they can prove that the relationship actually broke down due to domestic violence.

Although this concession was a positive step forward, in terms of solving the immigration side of the problem, it still did not address the problem of destitution as the women concerned continue to have to find ways of supporting themselves financially as they remain under the NRPF rule whilst applying and waiting for an ILR decision to be made. To address this problem the Government set up the Sojourner pilot project in November 2009, a project run by Eaves, to provide financial support to those fleeing domestic violence while applying for ILR under the DV rule. In April 2012, a new scheme, the Destitution Domestic Violence (DDV) Concession scheme replaced Sojourner, mainstreaming the financial support provided to those applying for ILR under the DV rule.

Following the introduction of the DDV Concession scheme, Eaves obtained funding from Unbound Philanthropy to monitor the implementation of the scheme and to provide training to professionals who work with women using the Concession across the UK.

The DDV Concession scheme monitoring research project focused on four key areas:

- Regularising immigration status through the scheme
- Accessing financial support and benefits through the scheme
- The support needs of women and the organisations supporting them through the DDV Concession scheme
- Providing recommendations for future policy and practice.

# Monitoring

The monitoring was conducted through a combination of engagement methodologies including surveys, focus group meetings with women using the scheme and consultations with stakeholders.

## Findings

### Regularising immigration status through the scheme

#### **- Notification to change leave status**

The notification stage, which is the initial step a woman takes in using the DDV Concession, is where a victim applies to change her leave status in order to access public funds while applying for Indefinite Leave to Remain (ILR) under the Domestic Violence (DV) rule. At this stage the application was reported to be straight forward and the response from UKBA/Home Office very quick. However, many attributed this to the availability of specialist services and organisations that support women. Women in the vast majority of cases were only able to know about the process and send the relevant forms to the appropriate agency because support organisations explained the process to them, interpreted and/or translated for them, and above all linked the women with immigration advisors. At the same time, these agencies also provided women with the necessary emotional, financial and physical support that was required in going through this process.

#### **- Biometric details registration**

Right after a confirmation of receipt of the DDV Concession application, UKBA/Home Office sends applicants a biometric notification letter with instructions on how to enrol biometric details. When the DDV Concession scheme was first introduced last year, biometric registration was not required until the woman made an ILR application, which made the process of acquiring the Limited Leave to Remain (LLR) much quicker. The new requirement to register biometric details at the start of the process has meant that women have to wait longer before they are able to get the change in their leave status and access any financial support while applying for ILR. Besides, even though the process of registering biometric details was said to be straight forward, problems have been reported around women not being able to easily access Post Offices that provide the service; some had to travel to the another town or city. It was also reported that sometimes the registration did not work the first time which meant women had to go back for re-registration, which was particularly difficult for women who had to travel from afar. There have also been reports of women expected to pay for registering their biometric details even though they are exempt from such payments under the DDV Concession.

## **- Indefinite Leave to Remain Application**

There were several problems reported at the second stage of regularising immigration status under the DDV Concession, which is ILR application. Similar to application for LLR those who were able to easily make the application for ILR were only able to do so because they got all the necessary support from different agencies, especially legal advice around their application. According to the findings of the monitoring, this was not always easy as there were many reports about the difficulties of getting experienced immigration advisors who understand the issues and complexities of these cases.

According to the findings of the monitoring, women using the Concession, in almost all cases needed language support when making an ILR application with 95% of the monitoring survey respondents reported that they have provided language support. In addition to language support agencies also provided IT support as in most cases the applications were made via email. While making the application women also received emotional support, financial advice, housing advice and practical information around benefits, health and education.

One of the major hurdles reported at this stage of the process was the problem with gathering the necessary evidence to prove that domestic violence has occurred. Without providing the appropriate evidence as to the existence of the domestic violence it is impossible to make a complete ILR application. Eighty-eight percent of monitoring survey respondents reported that they had encountered several problems when gathering the evidence required. Police and health professionals who had contact with the victims as a result of domestic violence were either very slow to send their reports or in some cases even unwilling to write a report which details the domestic violence situation they have come across when the victim came to them for help. This problem is exacerbated by the requirement of submitting ILR applications within the three month timeframe stated on the LLR. In light of all of this, respondents stressed that the three month time limit is not enough and should be extended to at least six month.

## **Accessing financial support and benefits through the scheme**

The second significant element of the DDV Concession is accessing benefits. After all, the whole purpose of putting the new scheme in place is to enable women to access financial assistance or benefits while they make an ILR application under the DV rule, which has been in place since 2002. Sixty percent of survey respondents reported that women they supported had encountered some kind of problem when trying to access benefits.

One of the major issues reported in this regard, was the limited awareness or in some cases total lack of awareness of the DDV Concession by Jobcentre Plus (JCP) staff. That was also true for the Jobseekers

Allowance DV Easement, a policy that was introduced in April 2012, to provide victims of DV an exemption from meeting the labour market conditions.

Women who went to JCP offices to access benefits through the DDV Concession were often asked to provide unnecessary information or documents, and some were expected to meet the Habitual Residence Test and the Labour Market Conditions; which they are meant to be exempt from. In some cases, benefits have been unduly stopped after the three month period and support agencies have had problems with obtaining back-dated payments of benefits.

Women using the Concession and those supporting them also reported difficulties around receiving the benefit they are entitled to because they were not able to open bank accounts or Post Office accounts, as benefits are usually paid directly into bank, building society, credit unions or a Post Office account. To open a bank or Post Office account a person needs to provide proof of identity and proof of address. In some cases women cannot provide such documents, either because they left their documents behind when leaving the abusive situation, or have sent their passport to UKBA/Home Office with an ILR application. It is also difficult for them to provide proof of address, such as utility bills, as in most cases they are staying in temporary accommodation or cannot give the address of a refuge for safety reasons.

Another concern raised by many who took part in the monitoring research was the failure to offer or provide appropriate interpreters for women who do not speak or understand English. This has meant that women were not able to understand what they have been told or even worse; what they are signing. Organisations expressed the view that there seems to be high reliance and expectations placed on support agencies and women's organisations to interpret for women and support them through the process. Even though these organisations are doing their best, most are financially struggling in the current economic climate and will not always be able to provide the required support without additional financial assistance or funding.

The amount of time it takes to process and receive benefits was also one of the significant concerns raised by most of those involved in the monitoring research, with some benefits, like Child Benefit, taking up to or more than 12 weeks to be processed.

## **Support needs of women and organisations supporting them through the scheme**

Around 26% of the agencies that responded to the survey reported that even though they were approached by women for support under the Concession they were not able to provide the necessary support. One of the reasons given for not providing the support was that they did not have the required knowledge to support women effectively through the scheme. Some were concerned that taking

these women into their services would have financial risk for their organisation, and others felt that the cases are too complicated for them to handle. Many mentioned lack of training on the Concession as a huge problem. Others said that they were not able to support the women because of past negative experience with DWP and local authorities, especially in terms of failure to reimburse support agencies for housing and other payments and failure to backdate payments when required. The main reason organisations gave for not supporting women under the DDV Concession, however, was the lack of funding and refuge space, which clearly shows that despite all the concerns, as long as organisations have adequate funding they will try to support these women to the best of their abilities.

Those organisations who were able to support women under the Concession reported to have provided a range of services such as; emotional support, housing, language support, legal advice, advocacy and liaising with other agencies such as DWP with or on behalf of the women concerned.

# Destitution Domestic Violence (DDV) Concession Monitoring Research Report

## 1. Introduction and Context

This report provides key findings of a monitoring project conducted into the implementation of the Destitution Domestic Violence (DDV) Concession scheme<sup>1</sup> from September 2012 to August 2013. Based on extensive surveys, focus group meetings with women accessing the DDV Concession scheme and those supporting them, and engagement with different agencies entrusted with the implementation of the scheme, the report highlights what is working well and what needs to be improved. In line with the findings of the monitoring research, practical recommendations are provided at the end of this report.

The DDV Concession scheme was introduced by the Government in April 2012 replacing the Sojourner Pilot Project<sup>2</sup>, a project that provided financial assistance and support to women with No Recourse to Public Funds (NRPF)<sup>3</sup>, from November 2009 to March 2012.

### 1.1. Domestic violence and ethnic minority women

Domestic violence affects women from all sorts of backgrounds. In the UK two women are killed every week by current or ex-partners, and one in four women will experience domestic violence in their lifetime<sup>4</sup>. There are however, some forms and aspects of violence, which affect women from ethnic minority groups disproportionately and/or differently. Certain forms of violence against women, such as female genital mutilation (FGM), forced marriage (FM) and 'honour' based violence (HBV), are in almost all case perpetrated on women from ethnic minority groups. In England and Wales for instance, it is estimated that there are around 66,000 women and girls who have been subjected to FGM. <sup>5</sup>In 2008 the national prevalence of reported cases of forced marriage in England was estimated to be between 5,000 and 8,000<sup>6</sup> and in 2012, the Forced Marriage Unit (FMU) reported to have given advice and support in 1485 instances related to a possible forced marriage<sup>7</sup>.

### 1.2. Barriers to leaving abuse

Ethnic minority women also face numerous problems and barriers to leaving abusive situations; such as language, cultural and socio-economic barriers, immigration problems and lack of available support services that cater to their specific needs. In many of these cases they feel trapped, isolated and marginalised with no or little help or assistance from friends, family members and even agencies<sup>8</sup>.

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1 For details on the DDV Concession Scheme please refer to section 2 of this report.

2 For details on the Sojourner Pilot Project please refer to section 1.4 of this report.

3 For details on the 'No Recourse to Public Funds' rule please refer to section 1.3 of this report.

4 Women's Aid, (2009) *Incidence and prevalence of domestic violence* [http://www.womensaid.org.uk/core/core\\_picker/download.asp?id=1602&filetitle=domestic%2Dviolence%2Dstatistics](http://www.womensaid.org.uk/core/core_picker/download.asp?id=1602&filetitle=domestic%2Dviolence%2Dstatistics) [Accessed May 2013].

5 Dorkenoo, E., Morison, L., Macfarlane, A., (2007) *A Statistical Study to Estimate the Prevalence of Female Genital Mutilation in England and Wales Summary Report*. FORWARD, Department of Health.

6 Kazimirski, A., Keogh, P., Kumari, V., Smith, R., Gowland, S., Purdon, S., Khanum, N., (2009) *Forced Marriage: Prevalence and Service Response*. Department for Children, Schools and Families.

7 Strickland, P., (2013) *Forced Marriage*. Home Affairs Section, House of Commons.

8 Thiara, RK., Roy, S., (2010) *Vital Statistics - The experiences of Black, Asian, Minority Ethnic and Refugee women and children facing violence and abuse*. IMKAAN [https://www.dropbox.com/sh/4zq0jgk4xyez91i/OTqIY\\_UrU6/Vital%20Statistics%202010.pdf](https://www.dropbox.com/sh/4zq0jgk4xyez91i/OTqIY_UrU6/Vital%20Statistics%202010.pdf)

### 1.2.1. Language barriers

Language is a huge barrier both in terms of knowing where to go when leaving an abusive relationship and also when trying to access services. Women who do not speak or understand English find it difficult to report the abuse to the police or other agencies and mainstream services they approach might not have the appropriate interpreter readily available.

“Women with language barrier do tend to face issues with finding a refuge space. In many cases language barrier has been a determining issue.” **Support worker**

### 1.2.2. Immigration status

Many ethnic minority women who are also victims of domestic violence do not have a secure immigration status and some have the restriction of ‘no recourse to public funds’ even if they have a valid leave to stay in the UK. This has been a major barrier for many women who would like to leave violent relationships and seek help. In most cases these women are forced to either remain in the abusive relationship or face destitution. Control around immigration is actually one of the forms of abuse perpetrators use against migrant women<sup>9</sup>.

### 1.2.3. Multiple perpetrators

Although perpetrators of domestic violence are typically either partners or ex-partners, in many cases involving ethnic minority women violence is also perpetuated by in-laws, family members and others in their community<sup>10</sup>. This results in complete isolation of the victim with no apparent help around and often leading to dire consequences. Studies have shown that many Asian victims of domestic violence resort to suicide because they cannot see any way out of the abusive situation. There is a 60% higher suicide and self-harm rate amongst young Asian women compared to their white counterparts<sup>11</sup>.

### 1.2.4. Threats and violence after leaving or reporting abuse

In some ethnic minority communities, violence in the family is considered as a private matter and if a woman reports the abuse or leaves the relationship she could be stigmatised, disowned by her own family members and the community for bringing shame and dishonour to the family.<sup>12</sup>In some cases there could even be retaliation, not only from partners but also from extended families; with real threats of physical abuse and even death.<sup>13</sup>For instance, the Foreign and Commonwealth Office (FCO) has reported cases of families searching for victims who have left forced marriages, using bounty hunters, members of the community and even using the police by accusing the woman of a crime in order to get the police to find her.<sup>14</sup>A study conducted into the experience of violence against ethnic minority women and girls revealed that 56% of the women involved in the study reported harassment or violence from extended family members after leaving the abusive situation and 41% reported pressure from the wider community.<sup>15</sup>

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9 Harne, J., Radford, J., (2008) *t.* Open University Press.

10 Järvinen, J., Kail, A., Miller, I., (2008) *Hard Knock Life: Violence against women A guide for donors and funders.* New Philanthropy Capital.

11 Ibid

12 Ibid

13 Ibid

14 Ibid

15 Vital Statistics (see footnote 8).

“My husband, my in-laws and other family members started threatening me so my support worker advised me to take the matter to court. But I was really afraid to go to court, because at the end of the day they had to come and see me as well, in the court, and I was like, ‘no, I can’t take a court order, because I just don’t want to see them, I don’t want to see my husband,’ I was really afraid at the time. I then decided to report to the police, just to inform the police that I left my house and they are threatening me. I told them they were not going to leave me alone in Pakistan as well.” **Woman using the DDV Concession**

### **1.2.5. Lack of adequate service provision for ethnic minority women**

Studies have show that ethnic minority women often prefer to access women’s organisations that understand the cultural pressures that they may be under and can speak their language. <sup>16</sup>However, there are not enough specialist services and women are often unable to access appropriate services within a context that recognises and addresses their specific needs around social identity, discrimination and inequality.<sup>17</sup>

Research conducted in 2009 to map availability of women’s, including minority women’s, services revealed that of the 408 local authorities in England, Scotland and Wales, just one in 10 have a specialist service for ethnic minority women. <sup>18</sup>The situation has become even worse in recent years as many specialist services and organisations have been the first ones to lose funding in this time of public spending cuts. A survey conducted in 2011 found that 100% of ethnic minority and refugee violence against women and girls (VAWG) organisations had experienced funding cuts within the last three years.<sup>19</sup>

### **1.2.6. Ethnic minority women stay longer in the abusive relationships**

Due to the barriers described above, women from ethnic minority groups are likely to stay in abusive situations for much longer before they seek help. <sup>20</sup>Over 40% of the ethnic minority women involved in one study said they had been in an abusive relationship for five years or more, just under a quarter said they had lived with the abuse for 5 to 9 years, and 16.3% had lived with abuse for 10 years or more.<sup>21</sup>

## **1.3. No Recourse to Public Funds (NRPF)**

No Recourse to Public Funds (NRPF) is a condition attached to a residence permit in the UK, showing that a person who is subject to immigration control or without secure immigration status in the UK has no entitlement to most welfare benefits, tax credits or housing assistance measures that are paid by the state. <sup>22</sup>This rule applies to many migrants including those on spousal or partner visas, people on student visas and their dependants, people on work visa and their dependants, refused asylum seekers and over-stayers.

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16 Hard knock life (see footnote 10).

17 Identification and Referral to Improve Safety (IRIS) *Domestic violence and abuse* <http://www.irisdomesticviolence.org.uk/iris/domestic-abuse-and-health/domestic-violence-and-abuse/> [accessed on July 2013].

18 Coy, M., Kelly, L., Foord, J., (2007) *Map of Gaps: The Postcode Lottery of Violence Against Women Support Services*. End Violence Against women.

19 Women Resource Centre (2013) *Women’s equality in the UK: CEDAW shadow report 2013 Appendix 5 - Funding for specialist violence against women and girls services*. [http://thewomensresourcecentre.org.uk/wp-content/uploads/Appendix-5\\_Funding-for-specialist-violence-against-women-and-girls-services\\_FINAL2.pdf](http://thewomensresourcecentre.org.uk/wp-content/uploads/Appendix-5_Funding-for-specialist-violence-against-women-and-girls-services_FINAL2.pdf) [accessed on August 2013]

20 Hard knock life (see footnote 10).

21 Vital Statistics (see footnote 8).

22 UKBA website on ‘Public Funds’ <http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/rightsandresponsibilities/publicfunds/> [accessed on July 2013].

This means that, in the UK, only those who have ‘recourse to public funds’, can access support such as income support, emergency accommodation and in most cases, even refuge accommodation. The NRPF restriction, therefore, has made it very difficult for women who are victims of violence to leave abusive situations. There is only a very small number of specialist organisations in the UK who support women with NRPF, therefore, in many cases a woman leaving an abusive situation could either be destitute or even face deportation by immigration authorities.

National research carried out by Southall Black Sisters (SBS) indicates that about 600 women in the UK with insecure immigration status face violence from their spouses each year.<sup>23</sup> The true number is, however, believed to be up to 1,000 cases per year as many go unreported because of the difficulties women face in seeking help.<sup>24</sup>

### **1.3.1. ‘Probation period’**

A wife, husband or civil partner of a British citizen or a person who is settled in the UK would be on a ‘*probation period*’ of five years (two years for those who applied on or before 08 July 2012) before being able to apply for permission to settle permanently in the UK which is also known as ‘Indefinite Leave to Remain’<sup>25</sup> (ILR). A person who is on the ‘*probation period*’ is deemed to be subject to immigration control and therefore cannot claim most state benefits, until a positive decision of settlement or ILR is made.

### **1.3.2. Human rights obligation**

In the UK, there are no comprehensive figures on the number of women who are victims of domestic violence and who have NRPF. However, in 2005, Women’s Aid Federation of England after conducting a survey with all of their affiliated refuges revealed that on one date, across England, 177 women with NRPF were housed and 54 women were turned away.<sup>26</sup> Although this could be an indication of the extent of the problem, it by no means provides an accurate picture as many women with NRPF will neither try to access support services nor know of the existence of such services.

The UK Government, as declared by a range of international and regional human rights instruments, has the obligation to provide appropriate and life-saving services to all women in the UK who are victims of violence. In a resolution in 2009, the Council of Europe urged member states to do ‘everything in their power to ensure that all women living within their territory have access in law and in practice to the relevant victim protection and rehabilitation facilities’<sup>27</sup>.

The Government also has responsibility of ensuring, “to the maximum extent feasible in the light of available resources ... within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialised assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation”<sup>28</sup>.

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23 Southall Black Sisters (2001) *Two years after the Domestic Violence and Immigration Concession: Findings of Survey and Recommendations for Further Reform*, Southall Black Sisters.

24 Amnesty International and Southall Black Sisters, (2008) *No Recourse No Safety: The Government’s Failure to Protect Women from Violence*. Amnesty International and Southall Black Sisters.

25 After living legally in the UK for a certain period of time, a person might be able to apply for permission to settle here. This is known as ‘indefinite leave to remain’.

26 Women’s Resource Centre (2007) *Funding of London Women’s Refuges: Report for London Councils*.

27 Council of Europe Resolution 1697, (2009) *Migrant women: at particular risk from domestic violence* <http://www.assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta09/ERES1697.htm>

28 United Nations, Declaration on the Elimination of Violence against Women (20 December 1993) A/RES/48/104.

Similarly, Article 20 of the *Council of Europe Convention on preventing and combating violence against women and domestic violence*<sup>29</sup>, which the UK signed in 2012, states:

‘Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.’

In addition, Article 22 of the Convention states that, ‘parties shall provide or arrange for specialist women’s support services to **all** women victims of violence and their children’. [emphasis added]

Similarly, General Recommendation No.19 made by the Committee on the Elimination of Discrimination against Women (CEDAW)<sup>30</sup> states that, ‘State parties [need] to take all appropriate measures... [and] under general international law and specific human rights covenants...also be responsible for private acts, if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.’<sup>31</sup> One of the key recommendations of CEDAW is that, ‘States should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity.’<sup>32</sup>[emphasis added]

The Beijing Platform for Action (1995)<sup>33</sup> recognises certain group of women as particularly vulnerable to violence. It states: ‘Some groups of women, such as women belonging to minority groups..., refugee women, migrant women...are particularly vulnerable to violence’<sup>34</sup>. It further urges Governments, ‘including local governments’, to ‘establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence’<sup>35</sup>.

In July this year the UK Government was examined by the CEDAW Committee, at a full day hearing at the United Nations headquarters, on the country’s’ implementation of the CEDAW Convention. One of the concerns raised by the Committee was the issue of NRPF and the lack of support for women with insecure immigration status. The Committee states:

‘The Committee recalls its previous concluding observations of 2008 (A/63/38, paras. 295 and 296) and remains concerned that under the “no recourse to public funds” policy, women with insecure immigration status still have no access to state support. While noting that the State party has announced a concession for women who are victims of domestic violence, the Committee is concerned that this concession only applies to women who have entered the State party on spousal visas, which might trap women in violent relationships.’<sup>36</sup>

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29 Council of Europe, *Convention on preventing and combating violence against women and domestic violence* (opened for signature 11 May 2011) CETS No.: 210 <http://www.coe.int/t/dghl/standardsetting/convention-violence/convention/Convention%20210%20English.pdf> [accessed May 2013].

30 Committee on the Elimination of Discrimination against Women, *General recommendation No. 19* (eleventh session, 1992) *violence against women* <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19> [accessed May 2013].

31 Ibid

32 Ibid

33 United Nations, *Beijing Declaration and Platform of Action* (adopted at the Fourth World Conference on Women, 27 October 1995) <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> [accessed May 2013].

34 Ibid

35 Ibid

36 Committee on the Elimination of Discrimination against Women (2013) *Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*. United Nations <http://www.scottishhumanrights.com/application/resources/documents/ConcObsCEDAW.doc> [accessed May 2013].

Recalling its previous recommendation, the Committee recommends that the State party should extend the concession to the “no recourse to public funds” policy to all women who are subjected to gender based violence and exploitation.’<sup>37</sup>

### 1.3.3. The Domestic Violence rule

Since 1992, SBS, a women’s organisation working for and with ethnic minority women, have led an extensive national campaign calling for the abolition of the ‘probation period’ for spouses, reforms to the immigration rules and the NRPF requirement so that women experiencing gender based violence are not facing the stark choice between abuse, deportation and destitution<sup>38</sup>. Following this campaign, with SBS working closely with Ministers, in 1999, the Government announced a concession to allow those, whose relationships have broken down as a result of domestic violence, to get Indefinite Leave to Remain (ILR) if they can prove that the relationship actually broke down due to the violence.

Despite the introduction of this concession, however, women were still struggling to access it as the type of evidence required to show the existence of domestic violence was very restrictive. Following further campaigning by SBS, in 2002, the Government introduced the Domestic Violence Rule which incorporated the concession into the Immigration Rules and extended the type of evidence that was required to prove domestic violence<sup>39</sup>.

Although this concession was a positive step forward in terms of solving the immigration side of the problem it still did not address the problem of destitution as the women concerned continue to have to find ways of supporting themselves financially as they remain under the NRPF rule whilst applying and waiting for an ILR decision to be made.<sup>40</sup>

### 1.4. The Sojourner Project

After further lobbying by the Campaign to Abolish the No Recourse to Public Funds, established and led by SBS in 2006, which now includes nearly 30 organisations<sup>41</sup>, the Government launched a pilot project, known as the Sojourner Project, in November 2009. The Sojourner pilot project, which was managed by Eaves<sup>42</sup>, provided financial support to those fleeing violence and applying for ILR under the DV rule. Although Sojourner was initially established for a limited period of time, its lifespan was extended several times and it was run by Eaves until it was replaced by the mainstreamed DDV Concession scheme in April 2012.

Under Sojourner a woman who was in the UK on a spousal or partner visa and was a victim of domestic violence could access immediate funding for temporary accommodation and subsistence for 40 working days, which was later extended to 50 working days. To ensure the smooth running of the

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37 Ibid

38 Southall Black Sisters, *Abolish No Recourse to Public Funds Campaign* <http://www.southallblacksisters.org.uk/campaigns/abolish-no-recourse-to-public-funds/> [accessed June 2013] Also see Southall Black Sisters (1992) *Evidence to the Home Affairs Select Committee*, Southall Black Sisters, and Southall Black Sisters (1997) *Domestic Violence and the One Year Immigration Rule: Proposals for Reform*, Southall Black Sisters.

39 Ibid

40 In 2004, SBS attempted to introduce an amendment to the Domestic Violence, Crime and Victims Bill to exempt victims of gender based violence from the NRPF requirement, which received cross party support. However, the Government did not support the amendment, although, under pressure, they gave some money to the Women’s Aid’s last resort fund and stated that Support People’s money for refuges could be used for staff supporting women with NRPF. For further discussion on the SBS campaigns, also see Siddiqui, H. (2013) ‘Ending the stark choice: domestic violence or deportation and destitution?’ in *Safe*, Women’s Aid, issue 46, Summer.

41 List of members of the Campaign to Abolish No Recourse to Public Funds could be found on Appendix G.

42 Eaves Website, *Women with no recourse to public funds / Sojourner* <http://www.eavesforwomen.org.uk/get-advice/get-help/women-with-no-recourse-to-public-funds-sojourner> [accessed May 2013].

project, the Sojourner project operated a team working as the point of contact for refuge providers and UK Border Agency (UKBA) <sup>43</sup>Duty Officers. In addition, the UKBA established a dedicated domestic violence team, which processed all applications for ILR under the domestic violence rule.

#### **1.4.1. Operation of the Sojourner Project**

The operation of Sojourner comprised the following steps:

- a) A victim of domestic violence who has NRPF entered a refuge or called the National DV Helpline seeking support
- b) The refuge/DV helpline contacted Eaves' Project Coordinator to identify whether there was any bed-spaces available for the victim
- c) The victim was then moved to accommodation let by Eaves under the pilot or to accommodation let by another appropriate provider as assessed by Eaves
- d) Once in the refuge, a refuge worker completes a referral form which was immediately sent to the Eaves' Coordinator and UKBA Duty Officer
- e) The UKBA Duty Officer had five days to confirm the victim's immigration status, specifically whether or not they are a spouse/partner visa holder and therefore potentially eligible for support under the pilot.
- f) The UKBA Duty Officer returned the immigration status confirmation to the Eaves Coordinator and the refuge within five days
- g) If the UKBA confirmation indicated that the victim did not hold the required immigration status, the refuge did not receive any funding for that person under the pilot and it was up to the refuge to decide whether to support that person any longer
- h) If the UKBA confirmation indicated the victim did hold the required immigration status, the refuge received funding for a maximum of 20 days <sup>44</sup>(including the five days taken to establish immigration status), to allow the potential victim to submit an application for ILR under the DV Rule
- i) If the victim did not submit an application within the 20 day period, the funding did stop and the refuge had to decide whether they continue to support the victim
- j) If the victim did submit an application for ILR within the 20 days, the UKBA did confirm receipt of the application and further funding for a maximum of 20 days used to be claimed by the refuge
- k) UKBA had maximum 20 day period to make a decision on the application provided all the relevant information was received
- l) Once a decision has been made by UKBA and/or after the 20 day period, the funding to the refuge ceased. This was regardless of whether the person had been granted or refused ILR under the Domestic Violence Rule.
- m) Again, if the victim was refused ILR under the Domestic Violence Rule, the refuge had to decide whether to continue their support for the victim
- n) If the victim was granted ILR under the Domestic Violence Rule they will then be able to access public funds.

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43 The UK Border Agency (UKBA) has ceased to exist as a separate agency and incorporated within the Home Office earlier in 2013. Its function is now split into two parts; immigration and visa service and immigration law enforcement. Please note that any reference made to UKBA throughout this report is also applicable to the appropriate agency within the Home Office that has subsumed the UKBA.

44 From April 2011, this 20 days period was extended to 30 working days, in recognition of the numbers of applicants which failed to meet the 20 days deadline and also to encourage a better quality of application.

## 1.4.2. Referrals and outcomes of the Sojourner project November 2009 – March 2012

**Table 1- Referrals and outcomes of Sojourner project**<sup>45</sup>

<b>Total referrals</b>	<b>2009</b>
Female Referrals	2007
Male Referrals	2
<b>Accepted to the Sojourner Pilot Project</b>	<b>Number</b>
Accepted for full service	1568
Accepted for pilot scheme but later rejected by UKBA	7
Accepted for pilot scheme but later declined to access service	152
<b>Actual accommodated</b>	<b>1409</b>
<b>Total Rejected</b>	<b>441</b>
<b>Rejection Reasons</b>	<b>Number</b>
No spousal visa	256
ILR already submitted	106
Other	45
Student visa	11
Visitors visa	9
Not domestic violence	7
Other visa categories	3
Work visa	3
Already has ILR	1
<b>Total</b>	<b>441</b>

### 1.4.3. Positive lessons learnt from Sojourner

The availability of a specialist team in the UKBA alongside having a set target time to make and inform decisions around the application process meant that decisions were fast-tracked and women were informed of their application status as soon as possible. It also meant that decisions made were consistent and of good quality as they were dealt with by a specialist team. In addition to the specialist team at the UKBA, the Sojourner team at Eaves also provided specialist support, providing advice to agencies, finding appropriate accommodation, providing language support and working with women who move on from the project to settle on their own.

“The Sojourner Project would assist with refuge searches (alongside case workers at the centre) which takes a lot of time.” *Support worker*

“Sojourner was very hands-on and a lot of support was given.” *Support worker*

<sup>45</sup> A complete statistics/data of the Sojourner project could be found on Appendix B.

The team at UKBA, especially the DV leads, had a good working relationship with women's organisations working with women with NRPF. Throughout the life of the project regular meetings were held with stakeholders and women's organisations, to discuss any concerns or issues, as well as to share a general update on the progress of the project. In addition, training on domestic violence and the experiences of ethnic minority women was also delivered by women's organisation to UKBA staff.

Another important lesson to be learnt from Sojourner is that the financial support was provided very quickly, which is of paramount importance to migrant women and children fleeing domestic violence.

“Women were able to access financial support more expediently on the Sojourner Project.”

***Support worker***

## 2. Destitution Domestic Violence (DDV) Concession scheme

In 2010, at a Women's Aid Annual Conference, the Home Secretary and the then Minister for Women and Equalities, Theresa May, outlined that the Government's intention to provide a long term solution for NRPF. She said, "I am pleased to be able to start the ball rolling today by announcing that we will fund the 'no recourse to public funds' pilot scheme until the end of this financial year and find a long-term solution to ensure women are protected after that."<sup>46</sup>

Consequently, in April 2012, after 20 years of campaigning by ethnic minority and other women's groups led by SBS<sup>47</sup>, the UK Government introduced the Destitution Domestic Violence (DDV) Concession scheme, mainstreaming the support provided to victims of domestic violence who are in the UK as spouse or partners of a British national or a person with ILR. Under the new scheme a person who qualifies for the Concession receives Limited Leave to Remain (LLR) which is also known as Leave Outside the Rules (LOTR-DV<sup>48</sup>) for three months, during which time they can access public funds while making an application for ILR.

### 2.1. Eligibility

#### 2.1.1. The type of leave

Not all migrants who are victims of domestic violence are eligible for the DDV Concession. For a person to be eligible for the scheme s/he must have entered the UK or been given leave to remain in the UK as:

- A spouse of a British citizen, or someone present and settled in the UK
- A civil partner of a British citizen, or someone present and settled in the UK
- An unmarried partner of a British citizen, or someone present and settled in the UK
- A same sex partner of a British citizen, or someone present and settled in the UK

This means that many women who are victims of domestic violence will not be eligible for the DDV Concession. This includes women on work visas, women on student visas, those who are dependent on students or workers, spouses of EEA nationals, etc.

#### 2.1.2. Destitution

Destitution is defined as a situation where one has 'no access to funds or is reliant on a third party to pay for essential living costs such as basic accommodation and food'<sup>49</sup>. Destitution is one of the mandatory requirements to apply for the DDV Concession. Applicants under the DV rule need not apply for the DDV Concession unless they require financial assistance. That is, if a victim of domestic violence who is eligible to apply for ILR under the DV rule is not destitute, s/he can apply directly for an ILR without the need to apply for the DDV Concession. The DDV Concession is for those who need financial assistance while making an application for ILR under the DV rule.

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46 Women's Aid website <http://www.womensaid.org.uk/domestic-violence-press-information.aspx?itemid=2467&itemTitle=Home+Secretary+Theresa+May+addresses+Women%92s+Aid+National+Conference&section=0001000100150001&sectionTitle=Press+releases> [accessed November 2012].

47 Gupta, R. (2012) 'We are still failing non-British victims of domestic violence' in *The Guardian*, 2 April 2012. <http://www.theguardian.com/commentisfree/2012/apr/02/domestic-violence-spousal-visa> [accessed October 2013].

48 LOTR DV is a leave outside of the Immigration Rules which allows eligible applicants access public funds and vital services. Having such leave also means that anyone who is eligible does not have to meet the habitual residence test which they would otherwise have to meet with other types of leave under criteria set by the Department for Work and Pensions (DWP).

49 UK Border Agency, (2012) *Victims of domestic violence (DDV) concession - Notification Form* <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/dv-notification-form.doc> [accessed November 2013].

### 2.1.3. Domestic Violence

Another eligibility requirement of the DDV Concession is that the relationship in question must have broken down permanently due to domestic violence. In March 2013, the Government introduced a new definition of domestic violence<sup>50</sup> as follows:

‘Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition, which is not a legal definition, includes so-called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group’.<sup>51</sup>

#### 2.1.3.1. Domestic violence from a family member other than a partner/spouse

In some cases the domestic violence might have been perpetrated by a family member other than the partner or spouse. In such cases the victim could still be eligible to apply for ILR under the DV rule as long as clear evidence is provided showing that the relationship broke down due to domestic violence.<sup>52</sup>

### 2.1.4. Planning to settle

Application for the DDV Concession is allowed only if a person intends to settle in the UK and apply for ILR after leaving the violent relationship. The application form clearly asks if one ‘needs access to public funds in order to pay for accommodation and support while making application for indefinite leave to remain’.

### 2.1.5. Free from unspent criminal convictions

From 6th of April 2011 the Immigration Rules have been amended to include a requirement that anyone

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50 New definition of domestic violence GOV.UK <https://www.gov.uk/government/news/new-definition-of-domestic-violence-and-abuse-to-include-16-and-17-year-olds>

51 GOV.UK, (2012) New definition of domestic violence and abuse to include 16 and 17 year olds, Press Release <https://www.gov.uk/government/news/new-definition-of-domestic-violence-and-abuse-to-include-16-and-17-year-olds> [accessed December 2012].

52 Home Office, (2013), *Victims of domestic violence - Guidance based on the Immigration Rules* <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/family/section4.pdf?view=Binary> [accessed May 2013].

applying for an ILR must be free from unspent criminal convictions at the time of applying<sup>53</sup>. This rule was initially planned to include those applying under the DDV Concession or the DV rules. Many organisations who work with victims of domestic violence especially those who work with migrant women, warned the Government that this could deter women from leaving abusive situations and even further victimise women who have actually acted in self defence but have been convicted for such acts.

In May 2011, Rights of Women, Southall Black Sisters, Eaves and Immigration Law Practitioners' Association (ILPA) wrote a letter<sup>54</sup> to the Home Secretary regarding their concerns about the change in the immigration rules. The letter highlighted that the change might 'deter women who are in a violent relationship and have an unspent conviction (however minor) from applying under the domestic violence rule owing to concerns about their immigration status, thereby defeating the very purpose of the domestic violence rule and rendering the protection it offers illusory'<sup>55</sup>. The letter also provided evidence of cases where 'perpetrators of domestic violence make false allegations about the victim of abuse to the police, resulting in criminal proceedings or even a conviction against a victim'<sup>56</sup>. Following such campaign the changes to the Immigration Rules in December 2012 removed the unspent conviction requirement for victims of domestic violence.<sup>57</sup>

### 2.1.5.1. Counter claims of domestic violence

In 2013 the Home Office issued guidelines<sup>58</sup> explaining how to handle cases where the alleged DV perpetrator has made a counter claim of domestic violence. The guideline states that counter claims must be disregarded in cases where the applicant is able to produce evidence of a court conviction or of a police caution, or they are the subject of a multi-agency risk assessment conference (MARAC). In case the applicant is relying on other evidence that domestic violence has occurred, although the counter claim will be considered, the case worker is expected to weigh up the evidence presented by each side and make a judgment on the balance of probabilities.

If all the above eligibility criteria have been met, a woman can contact the UKBA/Home Office, requesting for a change to her leave in order to access public funds. If the woman is deemed eligible, and provided she has registered her biometric details, UKBA/Home Office sends a letter granting her temporary leave; LLR for three month in which time she would have recourse to public funds while applying for ILR.<sup>59</sup>

A woman with LLR should be able to apply for and access income-related benefits and housing benefits, as any other claimant would. According to the Department for Work and Pensions, 'these claimants should be treated in the same way as other claimants who are not subject to immigration control'.<sup>60</sup> However, it should be noted that the principle of equality does not necessarily mean treating everyone in the same way.

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53 Home Office, (2011) *Statement of changes in Immigration Rules [HC 908] Presented to Parliament on 31 March 2011 (Session 2010-2012)* <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/statementsofchanges/2011/hc908.pdf?view=Binary> [accessed June 2013].

54 Rights of Women, SBS, Eaves, ILPA, (2011) *Joint letter from women's organisations to the Home Secretary* [http://www.migrantsrights.org.uk/files/news/11.05.05\\_joint\\_letter\\_re\\_HC\\_908\\_domestic\\_violence2.pdf](http://www.migrantsrights.org.uk/files/news/11.05.05_joint_letter_re_HC_908_domestic_violence2.pdf) [accessed September 2012].

55 Ibid

56 Ibid

57 Victims of domestic violence - Guidance based on the Immigration Rules (see footnote 52).

58 Victims of domestic violence - Guidance based on the Immigration Rules (see footnote 52).

59 For a simplified flow chart of the process of accessing the DDV concession scheme refer to Appendix A.

60 Department for Work and Pension, (2012), *Housing Benefit and Council Tax Benefit Urgent Bulletin HB/CTB U2/2012*.

Equal treatment also means having the necessary mechanisms in place to support those who are vulnerable or those who cannot achieve the same outcome without some help or differential treatment.<sup>61</sup>

Organisations working with ethnic minority women and campaigners have welcomed the mainstreaming of the support provided through the Concession to migrant women who are in the UK as spouses or partners of British nationals or persons with ILR. They have also recognised that this is a step in the right direction for the UK Government to fulfil its human rights obligation in providing the necessary support to all migrant women in the UK who are victims of domestic violence regardless of their immigration status. However, concerns were raised regarding the application of the scheme, particularly because it seems to require or expect women to try and access mainstream support from different agencies including UKBA and DWP by themselves. Again, it is crucial to point out that this new scheme is very limited in its application, as it does not provide support to all those who have NRPF and are victims of domestic violence.

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61 York University Website, *Equality and Diversity* <http://www.yorkcollege.ac.uk/equalityanddiversity/faqs/#2> [accessed August 2013].

### 3. The DDV Concession Monitoring Project

The DDV Concession monitoring research project was funded by Unbound Philanthropy<sup>62</sup> to monitor the new scheme and provide an overview of its implementation. From September 2012 to August 2013, the project looked into the transition from the Sojourner Pilot Project to the mainstreamed DDV Concession scheme by collating data via different methods including surveys and focus group meetings with women who are accessing the Concession and those supporting them.

Throughout the monitoring exercise there was regular engagements with organisations who are experts in the area especially the Abolish the NRPF campaign group as well as Governmental departments, such as the Department for Work and Pensions (DWP) and UKBA/Home Office, who are entrusted with the administration and implementation of the scheme.

#### 3.1. The monitoring research

The monitoring was conducted through a combination of engagement methodologies including surveys, focus group meetings with women using the scheme, consultations with stakeholders. In addition, training undertaken with stakeholders across the UK resulted in additional feedbacks and recommendations on the DDV Concession scheme. While information obtained in the training is not core to the research data, where the information was particularly insightful or addressed useful recommendations, it has been included in the report and highlighted as such.

##### 3.1.1. Monitoring survey

A detailed and easily accessible survey was designed to identify and capture the different issues, patterns and concerns that those working with women using the DDV Concession have encountered. The survey was a vital information source; since most women rely heavily on service providers and agencies to be able to access the scheme it provided a comprehensive picture of how the scheme is being implemented.

The survey, which had a total number of 38 main questions<sup>63</sup>, was launched in November 2012 and was sent to over 525 agencies and individuals across the country (England, Wales, Scotland and Northern Ireland). In addition it was featured in a variety of women's organisations' newsletters. The wide circulation of the survey was intended to gather comprehensive and balanced UK-wide information about the implementation of the scheme and to identify variations, if any.

Between December 2012 and May 2013 the survey received a total of 125 responses, although **64% (n=80)** of respondents actually completed the survey in full. Some of the respondents were not able to provide exact figures for some of the questions as they did not keep records. Such cases are clearly stated in the report.

The responses came from all over the UK except Northern Ireland. The majority of the responses came from London (39.8%) followed by Scotland (10.2%) and the Northeast of England (10.2%).

The organisations<sup>64</sup> that responded were a mix of:

- Accommodation providers (66%)

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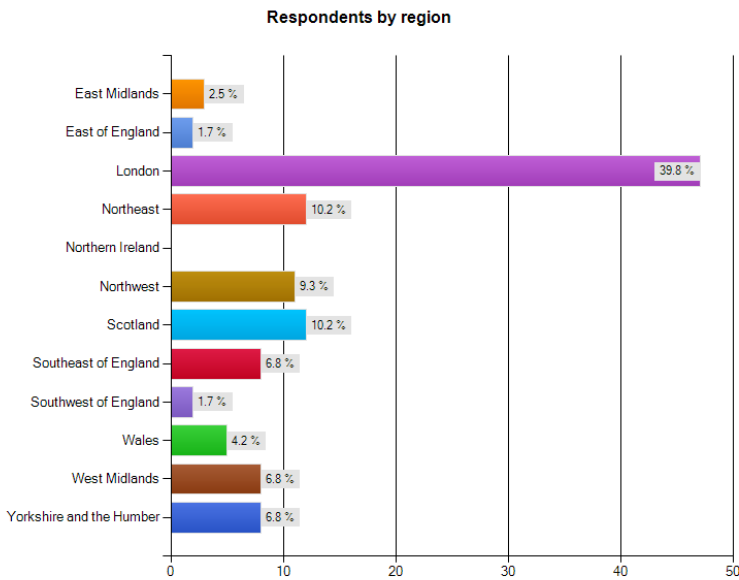
62 Unbound Philanthropy is a private grantmaking foundation which works on issues related to migrants, refugees and their families <http://www.unboundphilanthropy.org/>

63 See Appendix D for a complete list of the survey questions.

64 The total percentage exceeds 100% as a proportion of respondents described themselves as delivering multiple functions. A list of organisations that responded to the survey can be found at the end of this document (Appendix F).

- Advice and advocacy providers (62%)
- Helplines (24%)
- Community centres (7%)
- Second tier organisations (4%)
- Law firms (2%)

**Figure 1**



### 3.1.2. Focus group meetings

Ashiana<sup>65</sup> and SBS kindly facilitated two focus group meetings in May and June 2013 for the monitoring research project. A total number of eight women who have or are using the DDV Concession participated in the focus group meetings. All the women who participated in the focus group were based in London; however some of them started the process in other parts of the UK<sup>66</sup>. Participants were asked a total number of seven main questions<sup>67</sup> with regards to their experiences of using the DDV Concession. A few of the women who participated in the focus groups had recently received their ILR while most of them were waiting to hear decisions regarding their ILR application at the time of the focus group. Most of the women have started receiving benefits while a few were waiting for their claims to be processed. With the exception of one woman, all the women struggled to either speak or understand English and half of them needed an interpreter to participate in the focus groups.

### 3.1.3. Consultations with stakeholders

Stakeholders, both in the voluntary and statutory sector, were regularly consulted throughout the process. Contact included meetings, email and telephone conversations and discussions with stakeholders including DWP, UKBA/Home Office and other agencies. At the start of the project a representative of the DWP was informed in detail about the purpose of the monitoring research project and the plan to work in partnership while evaluating the implementation given that DWP is one of the major players in implementing the DDV Concession scheme.

65 Ashiana is a women’s organisation based in London which supports women from the Asian, Turkish and Iranian backgrounds.

66 This is of course typical of domestic violence whereby victims may be forced to repeatedly relocate for safety reasons. See also Bowstead, J., (2012) *Women’s journeys in response to domestic violence - Initial finding*. London Metropolitan University.

67 A complete list of questions asked in the focus groups can be found at the end of the this document (Appendix E).

There was also a proposal by the project team to gain access to Jobcentre Plus offices, to monitor the implementation of the scheme and assess any support needs Jobcentre staff may have. Even though DWP declined the request, shortly after that, the agency hired external consultants to research the implementation of the DDV Concession by DWP<sup>68</sup>.

The Abolish the NRPF Rule campaign group has also been extensively involved in the monitoring; distributing the survey, responding to it and inputting into the initial findings of the project. Five training sessions were conducted in different parts of the UK in conjunction with members of the campaign group (see below).

### **3.1.4. Training and seminars**

In addition to the monitoring research project, the funding provided included a role to provide training to professionals working with women using the DDV Concession scheme. Around 200 practitioners<sup>69</sup> participated in five training sessions across different parts of the UK. The training was delivered by Eaves, SBS, Rights of Women, Angelou Centre, BAWSO and Scottish Women's Aid, in London, Leicester, Newcastle, Swansea and Glasgow throughout April and May 2013.

Participants attending the training sessions included:

- representatives of women's organisations, including those who work with ethnic minority women
- police officers
- local authority representatives
- social services
- community organisations
- military personnel support providers
- solicitors
- campaign organisations
- organisations working with migrants, asylum seekers and refugees, etc.

The training included:

- a detailed introduction to the relevant immigration laws including the NRPF Rule, the Domestic Violence Rule and the laws and regulations related to the Concession
- a practical step-by-step guide to supporting women through the Concession process
- the local context (in the different devolved nations) around the practicality of the implementation of the scheme<sup>70</sup>
- attendees were also given the opportunity to discuss and solve practical case problems at the end of the training to assess the knowledge they had acquired.

As indicated above, while the training content and feedback does not form part of the monitoring research data, where training participants made specific recommendations or observations of relevance, these have been included in this report.

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68 Department for Work and Pension, (2013) *Domestic Violence: Implementation of JSA DV Easement and DDV Concession – Small Scale Qualitative Research*

69 Due to the high level of interest in and demand for the training we had to limit the number of participants per organisation and operate a waiting list.

70 The training was delivered in partnership with local agencies in different regions of the country so that the trainings could provide local context and be more meaningful to those working in those regions. For instance we delivered training with Scottish Women's Aid in Scotland, BAWSO in Wales and the Angelou Centre in the Northeast of England. Most of the regional and London-based training sessions were also delivered in collaboration with SBS and Rights of Women.

### **3.1.5. Limitations and challenges of the monitoring research**

Despite efforts made to be as comprehensive, accurate and thorough as possible, the monitoring research has its own limitations and challenges as is inevitable with most social research work. In the cases of this study these include the following:

- The monitoring was conducted within a limited timeframe due to funding and resource constraints. For instance, responses to the online survey were gathered within a fairly limited period from December 2012 to May 2013.
- The monitoring started just after the new scheme was introduced and some of the data collection is likely to have captured 'teething' problems, which require further, longer-term investigation as the scheme progresses.
- Despite considerable effort to gather information from across the UK, no responses to the survey were received from Northern Ireland.
- Survey responses were gathered online and not all respondents responded to all the survey questions. Moreover, some respondents were not able to give accurate figures which meant that some of the figures included in this report are conservative estimates based on the data provided.
- Even though efforts were made to include Jobcentre Plus staff who are entrusted with implementing part of the scheme, it was not possible to get permission from DWP to have access to the staff. However, a report commissioned by DWP looking into implementation of the scheme has been used to fill this gap where possible.
- Due to time and resource constraints only two focus group meetings could be held, and these were conducted in London only.
- Except for the information gathered from the focus group meetings the majority of findings contained in this report are based on data provided by service providers who have supported women through the Concession scheme rather than from women directly involved.

### **3.1.6. Key issues monitored**

There are four key areas that the monitoring focused on:

1. Regularising immigration status through the DDV Concession
2. Accessing financial support and benefits through the DDV Concession
3. The support needs of women and the organisations supporting them through the scheme
4. Recommendations for future policy and practice.

## 4. Regularising immigration status through the DDV Concession

There are two main procedures in accessing the DDV Concession scheme; regularising immigration status and accessing benefits. This section discusses the issues and challenges women and those supporting them face around regularising their immigration status.

### 4.1. Notification to change leave status

The first step in accessing the DDV Concession scheme is for a victim of domestic violence to contact the UKBA or the appropriate department in the Home Office which subsumed the UKBA, by completing and sending a '*notification form*'<sup>71</sup> informing the agency that she needs to change her leave in order to access public funds while applying for ILR under the DV Rule.

Respondents to the monitoring survey were asked overall how easy it has been for the women they supported to **complete** the notification form to apply for a 'limited leave to remain outside the immigration rules'. Out of the 46 who responded to the question 36% said it was very easy, 46% said it was fairly easy and 18% said it was not easy. The response was similar to the question of how easy it was to **send** the form. The reason this question was posed is because the policy guidance<sup>72</sup> for DDV Concession applications states that the form will need to be submitted via email in order to receive a quick response as postal applications '*will take longer to process*'. Out of the 45 who responded to the second question 64% said it was very easy and they usually send the completed form by email, 13% said it was very easy and they usually send the completed form by post and 23% said it was not easy to send the completed form.

"The UKBA are very quick at providing an answer - the quickest I have had to date was 55 mins. Very impressive!" **Support worker**

However, in general, respondents stated that without the essential support provided by women's organisations, it would be difficult if not impossible for the women to complete and send the notification form. They said women needed support around language; as many did not speak or read English. They needed support around IT, as many accessing the scheme cannot use computers or have no access to them in order to complete and send the form. Women also needed practical support such as accommodation, financial support, emotional support and someone to advocate for them when they go through the procedure. In addition, they required support to access health services, midwifery services, registering with local G.P, finding school places for their children, etc.

"Actually, speaking from my experience, the last thing they can cope with is going on a website and find the form, and then fill it, it's just too much." **Support worker**

"It is very easy, so long as legal, language and IT support is in place, otherwise it is not easy." **Support worker**

"The women, in most cases, needed support to complete and send the Notification form, as most were unable to use a computer or had limited literacy skills to complete the form unassisted by hand." **Support worker**

71 Notification Form (see footnote 49).

72 Home Office, (2012), *Protecting Victims of Domestic Violence – New Immigration Policy* <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/DDV-concession.pdf> [accessed January 2013].

At the focus group meetings, women who used the scheme were asked similar questions and they all said that had it not been for the support they were provided with by relevant support agencies, it would have been impossible for them; first of all, to even know about the scheme and locate the form and secondly, to be able to complete and send it.

“For me it was not easy to apply by myself, I needed help from someone. My English was so bad, I couldn’t speak one word and I didn’t know anyone...definitely no, I couldn’t have done it on my own.”

**Woman using the DDV Concession**

“It is really hard, you know when you’re in that frame of mind it was really difficult to even think about these things, and I was like, ‘oh my god, I just can’t do anything.’ Even signing it, I was like, I didn’t want to sign anything... it was about trust at that moment, I was like, ‘oh my god, why are they asking me to sign on this papers? Is it ok or not?’ I was in that kind of mind. It was really difficult.”

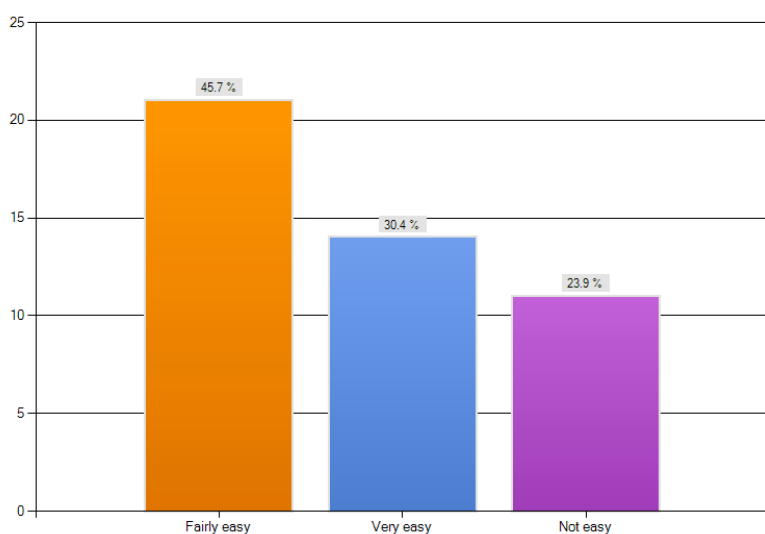
**Woman using the DDV Concession**

“I was unaware about the form so I will say I would not be able to fill it without help from my case worker.” **Woman using the DDV Concession**

“We don’t have anything, so how can we access the internet and things like that? How can we do that? That’s the problem.” **Woman using the DDV Concession**

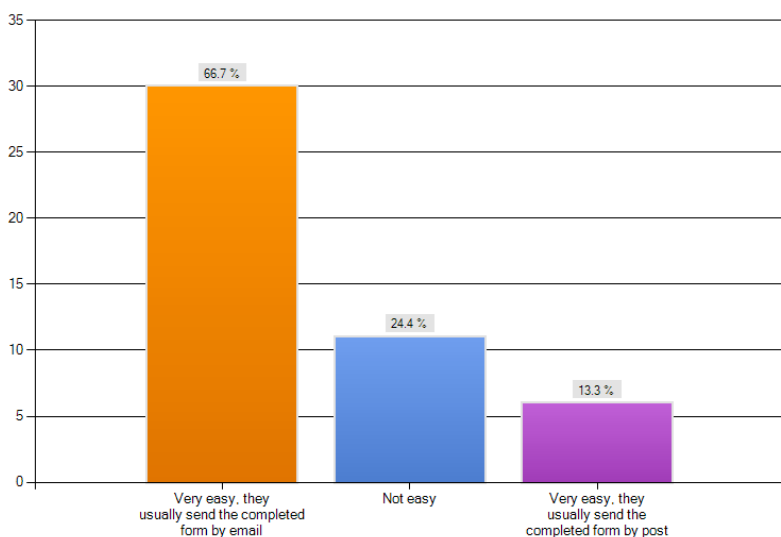
**Figure 2**

Overall how easy has it been for the women you have supported to fill out the Notification Form to apply for a Leave Outside the Rules (LOTR-DDV)?

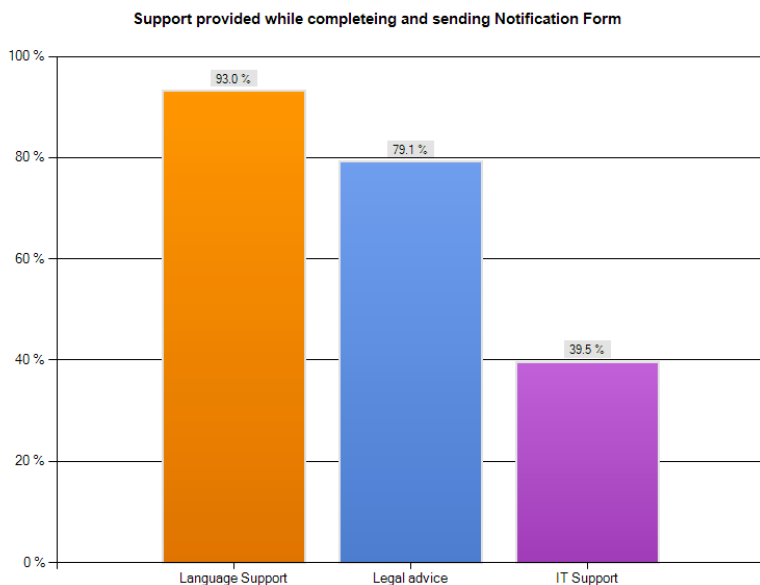


**Figure 3**

How easy has it been for the women you have supported to send the Notification Form to the UK Border Agency (UKBA)?



**Figure 4**

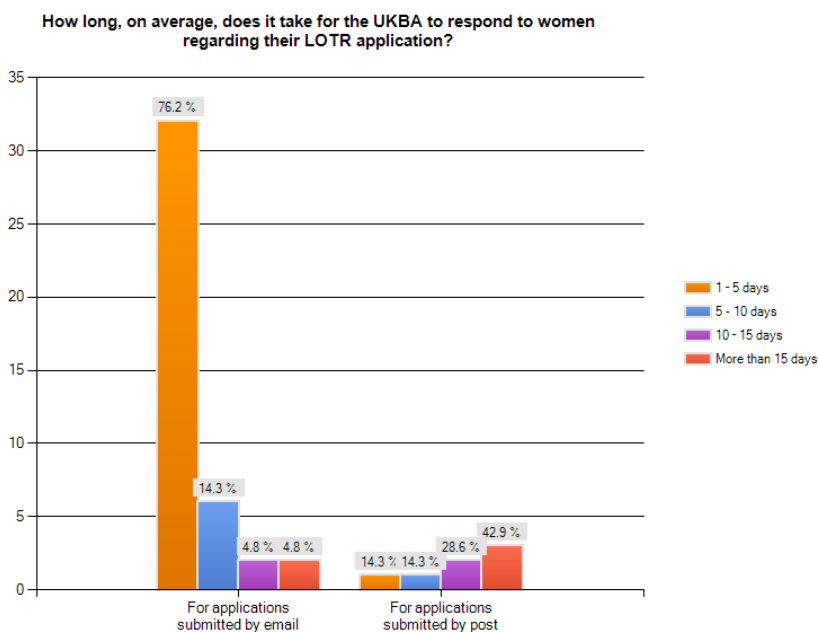


Provided that the women concerned were given the necessary support to complete and send the *notification form*, the majority of the feedback was positive in terms of the quick decision making process by the UKBA/Home Office at this stage. More than 76% of respondents said that on average, UKBA/Home Office took one to five days to respond to women regarding their LLR application.

“We had a positive experience in submitting the notification form to the UKBA via email. On average, we received acknowledgment within 24 hours and LOTR visa within the next 36 hours.”  
**Support worker**

Although the feedback regarding LLR decisions was positive in the majority of the cases, there were instances where women had to wait for more than a week before they receive a response from UKBA/Home Office. Some women reported that they had to wait up to two weeks and even more before they received their LLR decision. One woman who participated in the focus groups said twenty days passed before she received the decision.

**Figure 5**



## 4.2. Biometric details registration

As part of the application for the LLR, women now need to register their biometric details<sup>73</sup>. After the initial notification form is submitted, UKBA/Home Office sends a biometric notification letter giving the applicant instructions on how to enrol biometric information at one of the Post Offices offering this service<sup>74</sup>.

Although the process of obtaining biometric details seems to be straightforward, there were reports that women encountered several problems when trying to register their details. Around 40% of respondents to the survey stated that the women they supported under the scheme had encountered problems as described below.

### 4.2.1. Limited availability of Post Offices offering the service

Due to the limited availability of Post Offices which provide the service of registering biometric details, some women had to travel long distances to register. For instance in Wales, it was reported that women had to travel to Neath from Swansea and surrounding areas to get their biometrics details registered. Similarly, it was reported that there are no Post Offices with such facilities in Newcastle-upon-Tyne and women had to travel to the South Tyneside area to get the service. Unsurprisingly, the lack of easily available services for registering biometric details has imposed a lot of financial and emotional pressure on the women and services that are supporting them.

“I was able to check where the nearest Post Office was that was providing the service, after finding the nearest one, when we went in the machine wasn't working. And yes, it was a bit of a nightmare, we had to wait.” **Support worker**

“You go in to take a picture in a Post Office; you need to go somewhere specific because the camera is not in every Post Office. So, I tried to find a Post Office that could take the picture in my area but I couldn't find any. I asked my support worker, 'I couldn't find a Post Office, what can I do?' She said I need to go somewhere else. They told me there is a Post Office in Colchester, so I travelled from Ipswich to Colchester, like half an hour. My support worker took me there, I could not have done it by myself, it might have got me into trouble.” **Woman using the DDV Concession**

### 4.2.2. Women asked to pay for service

Unlike most biometric residence permit applications there should not be any fee requirement if a woman qualifies for LLR under the DDV Concession. However, there have been reports that women have been asked to pay for the services. A woman, who participated in a focus group, said that she had to pay £20 when registering her biometric details.

### 4.2.3. Need to re-scan/re-register

There have also been reports that in some instances the biometric scanning did not work the first time and women had to return to the Post Office to do it again. In one case, a woman had to make an 80 mile round trip twice because the first time the details had not registered properly.

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73 Biometric information is the set of unique physical characteristics, such as fingerprints, that can be used to identify a person. UK Border Agency Website, *Biometric information and biometric residence permits* <http://www.ukba.homeoffice.gov.uk/visas-immigration/settlement/brp/> [accessed May 2013].

74 Home Office, (2013) *Guidance notes biometric residence permits* [www.ukba.homeoffice.gov.uk/aboutus/contact/enrol-biometric](http://www.ukba.homeoffice.gov.uk/aboutus/contact/enrol-biometric) and <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/brp-information-leaflet.pdf> [accessed May 2013].

In addition to delaying the whole process, this has also caused financial burden to the women and those who support them.

“A client had to go back, because it did not register the first time. It was in the initial stages with problems, hiccups; when the new system started.” **Support worker**

#### **4.2.4. Increase in waiting times**

The new requirement of registering biometric details before the decision for LLR is made is an additional hurdle, making it harder for women to swiftly get financial and other support. At the start of the scheme an applicant was only asked to register biometric details after receiving LLR and when applying for ILR.

#### **4.2.5. Biometric card sent to wrong address**

In addition, there have also been reports of biometric cards being sent to incorrect addresses resulting in women not receiving them.

“On the first day I went to the Post Office, it was ok, it was easy to find because someone was with me, my auntie’s friend was with me and I was really new in London, so she took me to the biometric office, and she helped me with everything. But it was really hard to get the biometrics card, because it did not come to the address I gave. I was waiting and waiting for it, and because of that I could not even go to a refuge because there is a requirement that you need a biometric card. I had to contact them and ask, ‘where is the biometric card?’ They said they have already sent it but not to my address. I had to apply again and give them my address again, it took me one month.” **Woman using the DDV Concession**

LLR under the DDV Concession is granted for three month, and from the day the leave is granted women have the right to access public funds. However, during this period they should also apply for ILR; failure to do so could result in ‘overstaying’<sup>75</sup> once the three month period has expired.

### **4.3. Indefinite Leave to Remain application**

The second stage of the immigration process in the DDV Concession is application for ILR<sup>76</sup>. Respondents to the survey were asked whether overall, it has been easy for the women they supported to apply for ILR. Out of the 43 that responded to the question 12% said it was very easy, 58% said it was fairly easy and 30% said it was not easy. However, similar to the responses concerning application for LLR, many stated that without the necessary support in place, especially legal advice and language support, women would not be in a position to make an application for ILR.

#### **4.3.1. Legal advice**

Many of the respondents said that the process of making ILR application was easy because they managed to get legal advice on behalf of the women. However, they anticipate that it will become increasingly difficult to find qualified solicitors and immigration advisors due to the legal aid cuts.

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75 An overstayer is a person who was granted limited leave to enter or remain in the UK, but who neither left the country on the date indicated nor asked for the leave to be extended. Overstaying is an offence. UK Border Agency Website, *Overstayers* <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nisec2gensec/overstayers?view=Binary> [accessed June 2013].

76 Indefinite Leave to Remain (ILR) application is an application to settle permanently in the UK for migrants from outside Europe. UK Border Agency Website, *Settling in the UK* <http://www.ukba.homeoffice.gov.uk/visas-immigration/settlement/> [accessed June 2013].

Despite an intensive campaigning against it, the Legal Aid, Sentencing and Punishment of Offenders (LASPO)<sup>77</sup> Act came into effect in April 2013, enforcing major cuts to legal aid in various areas of civil proceedings such as, immigration, family and welfare law. This means that from April 2013 onwards migrant women have to pay the legal costs if they need to use lawyer in their immigration case. However, one important victory in the campaign against the legal aid cuts was that women's rights activist successfully fought (including an institution of legal challenge by SBS) for an exception in domestic violence cases, whereby for instance, migrant women who are fleeing domestic violence from a British spouse could continue to access legal aid.

However, the overall changes in accessing legal aid, in the long run, would mean that fewer lawyers will be willing to do certain types of work which will make it more difficult for potential clients, in this case victims, to find legal representation and thus bring their case to court and protect their right.<sup>78</sup> Immigration Law Practitioners' Association (ILPA) assessing the overall impact of the successive changes to legal aid provision, stated that, 'several good quality providers [on immigration and asylum cases have] fall away; choosing to reduce or end their legal aid work, or not being awarded any or any sufficient legal aid contract, or finding the financial constraints unsustainable'<sup>79</sup>.

The effects of the cuts are already been seen. For instance, from 01 April to 31 July 2011 Citizens Advice Bureaux (CAB) in England and Wales recorded a seven percent drop in the total number of people they were able to help (779,000) compared with the same period last year<sup>80</sup>. CAB offices, in some parts of the country are hit even worse, CAB offices in Nottinghamshire, has had a 60% cut in funding from Nottinghamshire County Council which was raised to 74% in 2012/13<sup>81</sup>.

Besides, according to responses from the monitoring survey, even when women manage to get in touch with an immigration advisor, there is a problem in having access to legal advisors who have the necessary experience in dealing with such complicated and often sensitive cases. Some of the legal advices provided to women using the Concession were proved unsatisfactory. It was reported that in some cases, solicitors do not even support women in gathering the evidence they need to make an application and expect them to do it themselves.

"Many women have sought legal representation in relation to immigration prior to accessing our services and this has resulted in unsatisfactory representation. For instance, for those women who have reported the abuse to the police, many of their legal representatives are not requesting police reports, or are sending ILR application without the required documentation." **Support worker**

#### 4.3.2. Language support

Women who use the DDV Concession, in most cases, need language support when making an application. Ninety-five percent of survey respondents said they provided language support to women who applied for ILR under the Concession. Women who participated in the focus group meeting also reiterated the need for interpreters and language support, as many did not speak or understand English.

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77 Legal Aid, Sentencing and Punishment of Offenders Act 2012 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

78 ILPA Website (2012), *New Legal Aid Proposals* <http://www.ilpa.org.uk/data/resources/17812/13.05.02-Legal-Aid-new-provisions.pdf> [accessed January 2013].

79 ILPA, (2012), *Update to cuts/changes to legal aid for immigration advice* <http://www.ilpa.org.uk/data/resources/14725/12.17.05-Ealing-Advice-Forum-re-Legal-Aid.pdf>

80 Citizen Advice Website [http://www.citizensadvice.org.uk/index/pressoffice/press\\_index/press\\_20110906.htm](http://www.citizensadvice.org.uk/index/pressoffice/press_index/press_20110906.htm) [accessed September 2013].

81 Ibid

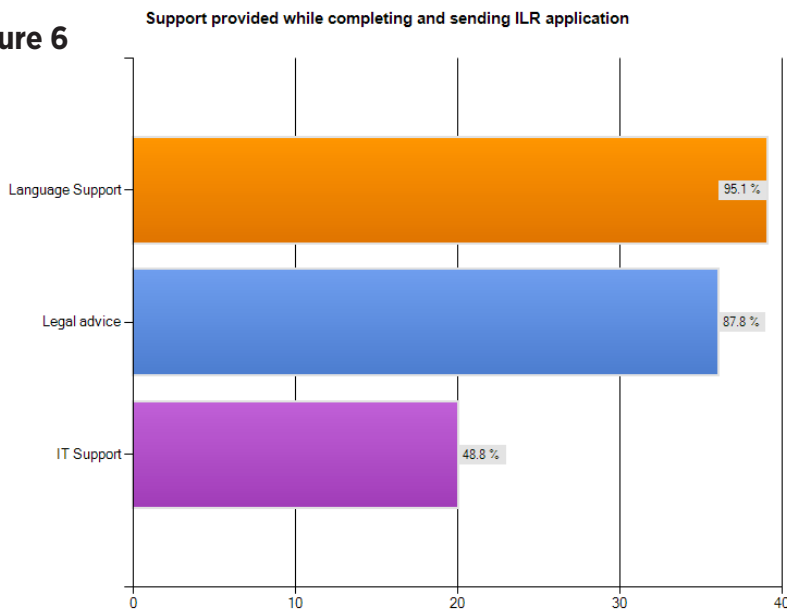
“It is not easy to apply for ILR on my own because I didn’t speak or read English very well, I did not have access to internet. When I came here I was not allowed to go anywhere, I needed help.”

### **Woman using the DDV Concession**

#### **4.3.3. IT support**

In addition, women also needed IT support; as most applications are submitted via email. Women also required emotional support, financial support, housing advice, practical training and information on benefits and advice on health and education. In many cases they also needed a person who advocates on their behalf throughout the process.

**Figure 6**



#### **4.4. Gathering the necessary evidence in three month**

One crucial factor in the DDV Concession is the *three month* time frame within which a woman is expected to gather all the necessary evidence to make an ILR application. The *LLR status document* states the start and end date of the leave and before the end of that leave a woman will need to:

- apply and wait to receive financial benefits from DWP and local authorities
- find suitable accommodation for herself and her children
- gather evidence of the domestic violence; which includes, but is not confined to medical and police reports
- find and contact an immigration advisor who can make the ILR application.

Failure to make an application within the three month period will mean that the LLR will expire and the woman risks being an over-stayer; which could mean that she is made to leave the UK immediately.

Professionals were asked if the three month period within which a woman is required to apply for an ILR is sufficient enough. Seventy-four percent of the 42 professionals that responded to this question stated that the three month period was not enough. Even those who believed that the three month period is enough (26%) said that the time limit was only adequate in cases where evidence of domestic violence was readily available. When the evidence is not available or easily accessible it has been putting enormous pressure both on women and service providers who are already stretched in terms of time and resources.

“It was easy because we have got a good referral process with the local law centres and although providing the evidence of the abuse is often difficult and traumatic the actual process seems

straightforward.” **Support worker**

“Although a number of applications have been completed in the three month, this time frame is often unrealistic. Delays to gather information occur frequently and this is stressful.” **Support worker**

“Three month is not long enough to get NI numbers, ID, DV evidences, bank accounts, permanent addresses sorted. Actually getting benefits in time seems to be slim chance.” **Training participant**

“It is sometimes challenging to access legal support and gather required information within given timeframes.” **Support worker**

#### **4.4.1. Gathering evidence – police and medical reports**

Although the Immigration Rules do not specify the type of documents which must be provided as evidence for domestic violence, UKBA/Home Office has listed a number of possible evidentiary documents that could be submitted with ILR applications<sup>82</sup>. These include:

- A letter or other document showing that a Multi-Agency Risk Assessment Conference (MARAC) has been convened on behalf of the victim
- A Non-Molestation Order or other protection order against the person(s) who committed the violence
- A medical report from a hospital doctor or GMC registered family practitioner (GP) who has examined the victim confirming that her injuries are consistent with being a victim of domestic violence
- An undertaking given to a court that the person(s) who committed the violence will not approach the victim
- A police report confirming that, because of a domestic violence incident, they attended the address at which the incident(s) took place
- A letter from a social services department confirming their involvement in connection with domestic violence committed against the victim
- A letter of support or a report from a domestic violence support organisation/refuge.

It is important to note that this list of documentary evidence is not exhaustive and each case along with the evidence submitted must be considered on a case-by-case basis<sup>83</sup>.

Survey respondents were asked whether they had encountered any problems when supporting women to gather the necessary evidence to make an ILR application, and an overwhelming majority, 88%<sup>84</sup>, said they had encountered several problems.

Support services expressed their frustration that police and health services did not view or treat the request for information as a priority and did not work on the same timeline that is needed for gathering evidence for the ILR application. In many cases women had to wait for a very long time before police and health services provided them with evidentiary documents or letters, which clearly has the potential to jeopardise women’s ILR applications and put them at risk of being ‘over-stayers’. A woman, who participated on one of the focus groups, said that after waiting for a month and a half for the relevant documents to arrive, her solicitor had to submit her application without police and medical evidence as she was at risk of not meeting the three month time limit for her ILR application.

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82 Home Office, (2012), *Victims of Domestic Violence Requirement for Settlement Application* <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/residency/dv-victims-settlement.pdf>

83 Victims of domestic violence - Guidance based on the Immigration Rules (see footnote 52).

84 There were 42 responses to this question.

It was also found that the delay in getting police and medical reports is even worse when women have left the area where they have reported the abuse in the first place. In reality, women often leave the area where they lived in when they are victims of domestic violence, due to safety concerns. Therefore, it is vital to have a swift and joined-up response from the police and other agencies in the locality and across authority boundaries when evidentiary documents are requested by women in these circumstances. In addition, it will make sense to extend the three month limit to a more realistic time frame to allow for comprehensive evidence to be requested and obtained.

“In case of women who do report [the abuse] to the police, it often takes more than 40 days for the police report to be submitted to the woman’s solicitor.” **Support worker**

“Sometimes the evidence gathering takes longer delaying the process of application.” **Support worker**

“The application could be fairly smooth, however, gathering and collating evidence for the [domestic violence] incidents from agencies and waiting and chasing takes quite a long time. In one case even though the application was straightforward, providing evidence for the domestic violence was hindered by police taking a long time to respond to request for information.” **Support worker**

“They said the police report takes a maximum of 40 days but it’s not. In our case, it took over two month. And you need the client to be present, because they have to ask for consent, even before they speak to you, so you have to do a lot of chasing. They said they have a backlog and it took a long time.” **Support worker**

“The last time I was with my husband, we had a big argument, and he beat me, and then I went to police station and reported everything. I was there for a few hours, sitting there and my leg was bruising because of the beating and they never asked if I need to see a doctor so I said to them, ‘I want a doctor to see me.’ Then they took me to the hospital. They also arrest my husband. After a while, I contacted the police, asking for a report because I needed it for my visa application. They did not send it to me, I had to wait for a long time and then they informed me that they have lost the letter requesting the evidence. My case worker had to fax it again and follow up over the phone. Unfortunately, it was too late and my solicitor had to submit my application without a police report or hospital report. I just included a short letter from the police saying that I have been in the station to report the incident; it did not have any of the detail I reported to the police. They never called me again, to check what happened to me or even to let me know of services, they said, ‘do you have friend that you can stay with? You can stay with your friend?’” **Woman using the DDV Concession**

“The medical report was very difficult because they did lose the request that we had put in and by that time the application needed to be submitted – we were approaching the three month, and we went ahead without it and thank god we got the ILR, which is great! But requesting and obtaining the report is quite a challenge.” **Support worker**

Despite having a legal right to ask for their medical report under the Data Protection Act 1998<sup>85</sup>, there have reports where GPs were not willing to give evidentiary letters to women. When they did agree to write a report, some GPs requested payment which is an additional problem to the women and those who are supporting them; as neither the women nor the agencies have the financial means to make such payments.

Besides, it is paramount to once more state that; had it not been for the support provided by organisations working with these women and the legal advice they manage to get for them, the women

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85 Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

involved would not have been able to know how to gather the evidence in the first place.

“As regards letters from GPs, most of them want to charge £30 just to write two lines, even though we write to them and tell them that, you know, this woman is destitute and please, in support of her application, provide this letter. I have had clients who have had to pay £30. It is unfortunate that they do want to charge.” **Support worker**

“When I was with my husband, I used to go to my doctor, because I was having problem with sleeping, I used to never sleep at night, and then I lost my appetite, sometimes I go without eating for two - three days. I had some physical problems because of the abuse as well. I decided to leave because the abuse was getting worse. My support worker gave me a letter which requested for a support letter from my doctor about my situation. By my doctor was on holiday and when I finally managed to contact her requesting for a report she took ages. Even when she finally sent the report it was just two or three lines, that’s it. She stated, ‘yeah, she came to see me and she was having some problems with her husband’ and that’s it. No details, nothing like that.” **Woman using the DDV Concession**

“When I came in to the refuge, my key worker asked me, ‘did you used to go to a GP’ and I said, ‘yeah I used to go there’. She told me that I need to collect all the documents from the people I have visited. When I called my GP she just said, ‘no, I cannot give you any letter’ and I was like, ‘listen, I want a letter from you because I left my husband and I’m in this position and you know, even two, three words – I really need your letter, it will be really helpful for me.’” **Woman using the DDV Concession**

“I had an immigration solicitor, she collected all the medical letters, everything. It took one and a half month to collect everything and then she sent my applications...if I wanted to do it by myself, I didn’t know that I needed GP letters or evidence from police. Even if somebody says I need that information I didn’t know how to apply for it. It was helpful I had support worker and she helped; I think for me it was not easy if I want to do all those things just by myself.” **Woman using the DDV Concession**

#### 4.4.2. Time needed to recover from trauma

Domestic violence has a huge impact on the physical and mental health of a victim. Research has shown that abused women are at least three times more likely to experience depression or anxiety disorders than other women<sup>86</sup>. In a women’s refuge study of 208 women, 81% had been prescribed anti-depressants or sleeping tablets by their GP<sup>87</sup>. As discussed previously, ethnic minority women are even more vulnerable, with half of all female suicide attempts by black and ethnic minority women attributed to past or current experiences of domestic violence<sup>88</sup> and those with immigration problems are at even greater risk.<sup>89</sup>

86 Women’s Aid, (2005), *The Survivors Handbook* <http://www.womensaid.org.uk/domestic-violence-survivors-handbook.asp?section=0001000100080001>

87 GLDVP, (2009) *Independent Domestic Violence Advocates: Policy Briefing* <http://www.avaproject.org.uk/media/62294/idva%20policy%20briefing%20april%2009.pdf>

88 *The Survivors Handbook* (see footnote 86).

89 Siddiqui, H., and Patel, M., (2010) *Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women*, Southall Black Sisters.

Some researches actually indicate that the symptoms exhibited by women who have experienced domestic violence are consistent with the major indicators of Post Traumatic Stress Disorder (PTSD)<sup>90</sup>. PTSD is defined as ‘a normal reaction to abnormal events, most commonly a stressful reaction to a catastrophic event involving actual or threatened death or injury’. <sup>91</sup>Some symptoms of PTSD are persistent re-experiencing of the trauma, trouble sleeping, irritability, trouble concentrating, being watchful, feeling jumpy, fear, avoidance, hypervigilance, and psychic numbing including dissociation.<sup>92</sup>

Policy decisions should consider that women using the DDV Concession will have similar experiences and problems and therefore will need a period of respite to get the necessary support and feel able to go through the process after leaving very traumatic experiences. Recovering from such effects of domestic violence could take months or even years.

“Women need some space for action that often they may not feel safe but may not be ready to make an application for ILR. Three month when someone is already in crisis doesn’t feasibly seem enough and it’s difficult to get a refuge space for someone with that limitation.” **Support worker**

#### **4.4.3. Services apprehensive of time limit**

Some organisations highlighted their concerns around refuges and support services feeling apprehensive about taking women in these circumstances into their services or refuges as they are concerned that they will not be able to find a qualified immigration advisor to process the ILR application in time for the three month deadline. This, added to the lack of adequate understanding of the Concession and lack of available refuge space, has meant that women are struggling to find support from the very outset.

“Refuge refusing women due to the DDV Concession funding of three month as many believe many will not get housing benefits afterwards. Plus many refuge saying they are unable to support women as they have a quota on how many are placed in the refuge.” **Support worker**

“Most refuges do not want service users who have applied under the DDV Concession because of the difficulty in getting their funding to support the service users.” **Support worker**

“There are a number of excellent refuges that are fully conversant with the DDV Concession, others are more unwilling to accept women because they worry about the funding element, they don’t understand the DDV Concession. Lack of bed space is an issue. Often women are housed in the community until refuge space becomes available and if they haven’t got any outreach support it is very difficult for them and adds to their anxiety.” **Support worker**

#### **4.4.4. The three month time limit is not sufficient**

In light of the concerns highlighted above, the majority of those who were involved in this monitoring research felt that the three month time limit in which a woman is expected to make an ILR application is not sufficient and should be extended to at least six month.

“Many of our service users are not aware of legislation and their rights and entitlements. Particularly those who do not have the required means of proof to open bank accounts for DWP assisted welfare benefits, National Insurance numbers, etc. Addressing these takes time which results in a delay of application being submitted. Lack of Legal Aid accredited immigration solicitors with a

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90 Hughes, MJ and Jones, L., (2000) *Women, Domestic Violence, and Posttraumatic Stress Disorder (PTSD)*. San Diego State University.

91 Ibid

92 Ibid

comprehensive understanding of the nature of abuse (including the cultural and language issues) is also a factor relating to the delay of ILR application form.” **Support worker**

“It adds pressure for Solicitors to gather all relevant proof from agencies and the DWP take ages to process benefit claims.” **Support worker**

“Up to six month would be better as it usually takes DWP three month to sort any form of financial assistance out.” **Support worker**

“This is not enough time due to the length of the process. If it is a straightforward application then it usually laps over by a week but if the case is complicated by any reason it takes much longer.” **Support worker**

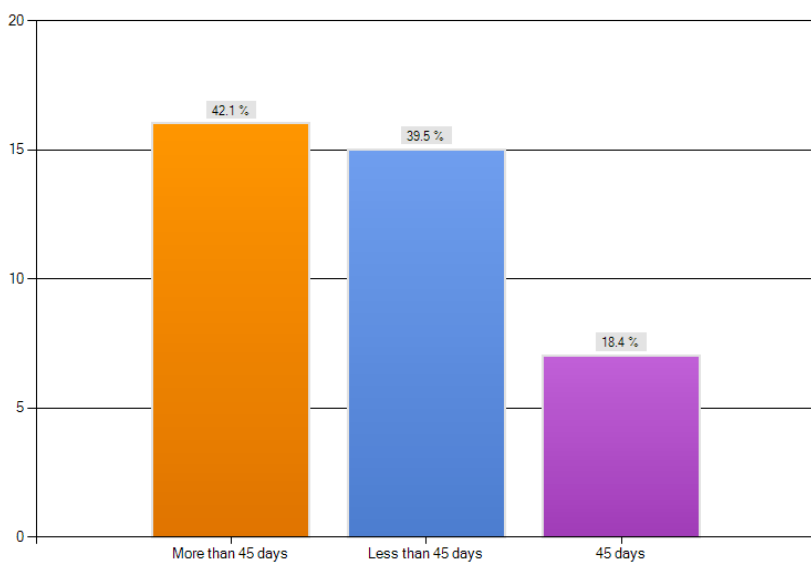
“Three month are not long enough to get NI numbers, ID, DV evidences, bank accounts, permanent addresses sorted. Actually getting benefits in time seems to be slim chance.” **Training participant**

#### 4.5. Obtaining the ILR decision

More than 60% of respondents to the survey stated that, on average, women have to wait for 45 days or more before they receive a decision on their ILR application.

**Figure 7**

How long, on average, does it take for the UKBA to respond to women regarding their ILR application?



## 5. Accessing benefits and financial support under the DDV Concession scheme

The second major element of the DDV Concession is accessing benefits or financial support. The research wanted to explore if the necessary provisions were in place when the scheme started, if it has been accessible to the women and if there is a mechanism for monitoring the effective implementation of the scheme.

The majority of respondents to the monitoring survey (around 60% of the 42 respondents to this question) said that women they supported had encountered a range of problems when trying to access benefit or contact Jobcentre Plus (JCP) offices.

### 5.1. Limited awareness of the DDV Concession by staff at Jobcentre Plus

There were worrying reports regarding the lack of awareness of the DDV Concession by JCP staff even though the scheme has been operational for sometime when the monitoring was conducted. Women and support providers alike who have used the Concession repeatedly stated that JCP staff are not sufficiently aware of the DDV Concession. More than 84%<sup>93</sup> of the respondents who said that the women they supported have encountered problems, identified lack of awareness of the Concession as one of the most significant issues. In the majority of cases, support workers accompanying women had to explain to JCP staff about the scheme and what women are entitled to.

This was reiterated in research<sup>94</sup> commissioned by DWP to explore the awareness, understanding and implementation of the DDV Concession. The research took place between January and March 2013 and involved 35 staff in five JCP offices, including staff with management responsibilities (JCP managers, Customer Service Managers, Advisor Team Managers), senior advisors and assistant advisors.

The research found that overall awareness and understanding was limited to only one of the five JCP offices involved in the study. The report of this study states that: *'A large number [of JCP staff] had either not read or did not recall reading this part of the guidance, and relatively few demonstrated a detailed understanding of [the DDV Concession]*<sup>95</sup>. Even with the only JCP where two cases of application of the DDV Concession were reported, *'there were difficulties experienced...mainly as a result of a lack of background information relating to the claimant and a lack of prior awareness about the Concession'*.<sup>96</sup> However, the findings show that, in both of these cases, the claimants were accompanied by a support worker who had prior knowledge of the DDV Concession.<sup>97</sup> Even though the report does not state the relationship/connection between a support worker accompanying a claimant to JCP offices and the relative awareness of the Concession at that JCP, it might be worth noting the possibility of a link, given the circumstances and the obvious lack of sufficient awareness by JCP staff repeatedly mentioned throughout the report.

According to the findings of the report, of the five JCP offices involved in the study, in two offices, neither the managers nor advisers expressed any detailed awareness of the DDV Concession and in some cases had no awareness of the Concession at all. In one of the JCP offices, whilst most staff interviewed were aware of the Concession, for many this was because they received a briefing just before the visit from the researchers<sup>98</sup>. In the remaining two JCP offices, managers showed *'a good level of understanding of the DDV Concession with understanding among advisers and assistant*

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93 Twenty-two of the 26 respondents that answered this question said Job Centre staff were not sufficiently aware of the DDV concession.

94 Implementation of JSA DV Easement and DDV Concession (see footnote 68).

95 Ibid

96 Ibid

97 Ibid

98 Ibid

*advisers being more variable*<sup>99</sup>. Interviewees for the DWP study also said the awareness level of the DDV Concession amongst other stakeholders such as the police, medical staff and specialist support agencies was low<sup>100</sup>.

According to the report, when the new scheme was introduced, information was only sent from DWP as a *'link in an email, initially sent to district offices, who then through their 'Change Teams' cascaded the information to Jobcentre Plus managers*<sup>101</sup>. One advisor said: *'The guidance isn't clear cut – I don't find it an easy read. When you look for domestic violence the JSA Easement comes up – but when you look for the DDV, you need to scroll and scroll'*.<sup>102</sup>

As the quote below illustrates, women who participated in the focus group also mentioned similar experience.

*"The first day I went with my key worker and the lady who was on the desk [at the JCP], didn't know about the DDV Concession and she was like, 'What is this?' And then my key worker, you know, she tell her each and everything, that this is new, you know, a new thing, just came in, and she was really confused and she said, 'Oh, you know, I really don't know about this'. She said 'let me go and ask my manager' and she went and asked her manager and then she came back and she said 'Oh yes, this is a new thing which came in, I didn't know about it'".* **Woman using the DDV Concession**

JCP advisors who are not aware of the scheme are expected to seek advice from their managers or senior staff. However, in some cases, it was reported that there were not senior staff available to provide the right information when advisors do not know about the scheme. A support worker who responded to the monitoring survey said, *'JCP did not have the DDV information that allows service users to access emergency funds, their lack of professionals to make further enquiries and to seek advice from a senior manager or head of JCP [was a problem]'*.

*"Jobcentre staff were not adequately trained and still are not to date."* **Support worker**

*"The main issue has been with the Jobcentre's lack of training and lack of professionalism."* **Support worker**

*"Lack of training in JCP means that there is a battle at every stage to secure these benefits."* **Support worker**

*"The system would be so much better if information/communication was improved from DWP."* **Support worker**

In addition, respondents to the monitoring survey also discussed the problematic overall experience of women accessing JCP. They said in some cases women felt staff were not helpful and friendly when dealing with their case. In other cases, queries from women were not resolved quickly and efficiently or women experienced long waiting times for appointments. When information was provided by JCP in some cases it was too complicated or not clear enough for women to understand. In one case, it was also reported that an advocate for a women was not allowed to accompany her when she attended an appointment at the JCP office.

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99 Ibid

100 Ibid

101 Ibid

102 Ibid

## 5.2. Crisis loans

Although, since April 2013, crisis loans<sup>103</sup> have been abolished, it is important to note the responses from those who participated in the survey regarding their experience of accessing them. Fifty percent of those who responded said that the women they supported were not able to access crisis loans. The current system has introduced two provisions; short-term advances and budgeting advances, which replaced interim payments, social fund crisis loans and social fund budgeting loans<sup>104</sup>. Like crisis loans these provisions are essential as they deal with emergency situations when someone makes, or is about to make, a benefit claim, but needs immediate financial support and cannot wait until the first payment of benefit. The monitoring has not specifically addressed the implementation of these new provisions; however, there is cause for concern when contrasting it with the problem women had accessing a similar scheme i.e. crisis loans. It raises a question around how much staff at JCP offices are aware of the situation of the women using the Concession and the very tight time frame in which they have to regularise their immigration status.

## 5.3. Limited awareness of the Job Seeker Allowance Domestic Violence Easement by staff at Jobcentre Plus

The Jobseekers' Allowance Domestic Violence Easement came into force in April 2012. The easement exempts victims of domestic violence who apply for Jobseekers' Allowance (JSA) from meeting the required labour market conditions, which are availability for work and actively seeking employment, for a maximum period of thirteen weeks.<sup>105</sup> This easement is applicable to anyone who is a victim of domestic violence including those under the DDV Concession.

If anyone who is making a new JSA claim or already receiving JSA disclosed an actual or threatened DV situation to staff at JCP, they should be eligible for the easement if:

- the actual or threatened violence occurred within the previous 26 weeks
- it meets the definition of domestic violence (see below for definition of DV under the JSA Regulation 2012)
- the victim is not living at the same address as the abuser
- the victim have not had an easement in the last 12 month

The easement is a welcome provision for women who are victims of domestic violence and who need time and space to sort things out in their life. Some of the requirements, however, are rather stringent and not consistent with the lived experiences of those who face domestic violence. For instance, for different reasons women in many cases either stay in an abusive situation or decide to return after leaving, which means that in such scenarios they would not be eligible to access the easement.

### 5.3.1. DWP regulation definition of domestic violence

For the purpose of the easement, the JSA DV Regulation 2012<sup>106</sup> defines actual or threatened domestic violence as follows:

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103 Crisis loan was a payment from social fund intended to cover essential costs following an emergency or a disaster. Shelter Website, *Crisis Loans* [http://m.England.shelter.org.uk/get\\_advice/help\\_with\\_housing\\_costs/social\\_fund\\_grants\\_and\\_loans/crisis\\_loans](http://m.England.shelter.org.uk/get_advice/help_with_housing_costs/social_fund_grants_and_loans/crisis_loans) [accessed September 2013].

104 Department for Work and Pension, (2013), *Information sheet on short-term advances and budgeting advances* <http://www.dwp.gov.uk/docs/budgeting-short-term-advances-guidance-las.pdf>

105 The Jobseeker's Allowance (Domestic Violence) (Amendment) Regulations 2012 (come into force on 23 April 2012) <http://www.legislation.gov.uk/ukdsi/2012/9780111519288>

106 Ibid

- a) **physical** including but not restricted to shaking, smacking, punching, kicking, presence of finger or bite marks, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, genital mutilation, ‘honour violence’
- b) **sexual** including but not restricted to forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practice safe sex, sexual insults, sexually transmitted diseases, preventing breast feeding
- c) **psychological** including but not restricted to intimidation, insulting, isolating a person from friends and family, criticising, denying the abuse, treating the person as an inferior, threatening to harm children or take them away, forced marriage
- d) **financial** including but not restricted to not letting the person work, undermine efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making the person beg for money, gambling, not paying bills
- e) **emotional** including but not restricted to swearing, undermining confidence, making racist remarks, making a person feel unattractive, calling the person stupid or useless, eroding their confidence.

The regulation defines ‘**family member**’ to include the victim’s partner or victim’s former partner, grandparent, grandchild, parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, brother-in-law, sister, sister-in-law, or, if any of the preceding persons is a member of a couple, the other member of that couple.

The JSA DV easement is applicable initially for four weeks starting on the day the person notifies Jobcentre Plus that they have been subject to actual DV or are being threatened with DV. The initial period could be extended by a further nine weeks (to a total of 13 weeks) upon production of written evidence of the violence by the claimant during or at the end of the initial four weeks period. Evidence acceptable for the extension of the easement includes:

- evidence from a healthcare professional
- evidence from a police officer
- evidence from a registered social worker
- evidence from the claimant’s employer
- evidence from the claimant’s trade union representative
- evidence from a member of a voluntary, charitable or public body which has had direct contact with the claimant in connection with domestic violence

Around 77%<sup>107</sup> of the respondents to the monitoring survey stated that JCP staff were not sufficiently aware of the JSA DV easement. The research<sup>108</sup> commissioned by DWP discussed above also looked into the level of awareness amongst JCP staff of the JSA DV easement. It found that staff at three out of the five JCP offices involved in the research had good levels of awareness of the easement while staff at the remaining two had low levels of awareness of the easement. In those offices where there was a good level of awareness, it was the ‘*staff with management responsibilities who displayed a detailed understanding of the policy and expressed confidence that the easement has been embedded in the mind-set of their staff*’. The picture however was very different at the offices where there was a low level of awareness as the following highlights.

‘Staff on the whole did not know about the purpose and content of the easement. In one of the Jobcentre Plus offices, for example, only one adviser was aware of the JSA DV Easement policy. It was generally felt by the interviewees in this office that DV was not an issue in their

107 Twenty of the twenty-six respondents that answered this question stated that Job Centre staff were not sufficiently aware of the Jobseeker’s Allowance Domestic Violence Easement.

108 Implementation of JSA DV Easement and DDV Concession (see footnote 68).

area, and that they did not knowingly work with DV claimants. Another adviser interviewed explained that they were only informed about the easement ahead of the interview for this study, with others describing how they support DV claimants that was not in line with the prescribed policy. For example, one adviser explained that she was not aware of the easement and that if a claimant disclosed they were a victim of DV: *“I would find out her barriers and tackle them while gently reminding her that she needs to be actively seeking employment”*.<sup>109</sup>

‘In the other Jobcentre Plus office a recently appointed DV lead explained that: *January [2013] was the first customer I know of that claimed the easement. Although I know that the guidance came out in April 2012 – I don’t think that was communicated in a meeting or highlighted that we may be getting people with that type of need. It is only since January we have had three customers that I know of.*’

A manager from the same office talked about options of support as an alternative to the JSA DV easement, suggesting he viewed it, incorrectly, as discretionary rather than as a right.<sup>109</sup>

Moreover, the uptake of the easement seems considerably low. In the first year after the easement was introduced (April 2012 - 29 March 2013) there were only 338 cases of the four-week easement and 115 of the full 13-week easement granted nationally.<sup>110</sup> The low level of uptake was also acknowledged in the DWP research findings.

‘In the context of what we know about the level of DV experienced nationally, and in particular the potential high levels of DV experienced among the unemployed, the numbers of victims taking a four or 13-week easement could be perceived as being some way below what might be expected.’<sup>111</sup>

The lack of awareness of the easement by staff at JCP had an impact on the women using the Concession. Some women who participated in the monitoring research focus group said that they were not given the JSA easement at all, or their support workers had had to fight hard for them to get it.

*“I told them, because my key worker gave me a letter, that I cannot go [to sign] and the money should come. So in the beginning she [JCP staff] said ‘Who told you this?’ I even give her a letter; she just read the topic then she says, ‘No, you have to sign’. Then I ask her please, if you read all of the letter I think you can understand. She still doesn’t understand, then I think she ask for her manager, then she came back again and she said OK.”* **Woman using the DDV Concession**

In addition, although the form<sup>112</sup> for the JSA DV easement application lists evidence from voluntary or charitable organisations supporting victims of domestic violence as acceptable evidence to submit in support of the extension of the easement period, it was reported that in some cases JCP staff are not accepting such evidence, instead insisting on other proof such as medical and police reports.

*“So the problems we’re seeing...they’re made to sign on and they go every other week, but when we give them a letter that they’re doing [being supported by us] because they are victims of domestic violence, they’re telling them this is a rubbish letter, not accepting this letter, you have to do what we tell you to do.”* **Support worker**

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109 Ibid

110 Ibid

111 Ibid

112 A sample of JSA DV Easement forms (DV1 and DV2) can be found at the end of this report (Appendix C).

“You know, sometimes you think, right, ok, difficult as it is for the resident [of the refuge] to go and sign on, sometimes it’s just better to just carry on doing that because nine out of ten, you know, you tell them that they don’t have to sign on and they [JCP staff] have no information, they’ve not had the appropriate training.” **Support worker**

One important point raised in relation to the JSA easement is the problem with disclosure of DV as the easement solely depends on a woman’s disclosure of an actual or threatened experience of DV. Interviewees for the DWP research expressed their concern about the setting of JCP offices as an inappropriate location in which to disclose DV. One Jobcentre Plus office manager asked if *‘the Jobcentre [was] a place where victims would readily disclose?’*<sup>113</sup> Interviewees mentioned ‘the environment within Jobcentre Plus offices – which are open plan and often very busy, and with private interview space not always readily available’<sup>114</sup>.

They also stated that it takes time for a victim to disclose DV and to be able to trust the advisor. In some cases it actually depends on the questions asked by the advisor or her/his ability to pick up the signs that DV may be occurring. The report states that: ‘most interviewees recognised that both proactively encouraging initial disclosure and responding to a disclosure requires time, sensitivity and skill’<sup>115</sup>.

The report further revealed that the guidance provided by DWP: *‘states that call centre staff are specifically not allowed to inform claimants about the easement, which several staff considered... fuel[s] an initial reluctance to disclose any barriers to job search activities’*<sup>116</sup> which includes DV. [emphasis added]

All the barriers mentioned above, added to the ‘absence of any questions on DV in the original Contact Centre interview script or on the on-line form’<sup>117</sup>, means that claimants who have valid claims of easement are not actually getting it. Actually, ‘for the majority of interviewees, the apparently low number of JSA DV easement cases was due, at least in part, to the reluctance of victims to disclose their experiences, which was commonly cited as the main barrier to providing support’<sup>118</sup>.

Even after the disclosure, not all advisors at JCP were confident enough to deal with the issue or had training to that effect. The report states:

‘While dealing with vulnerable claimants forms part of the training received by all Jobcentre Plus advisers, the training is generic and does not include specific reference to DV. While for many interviewees, and their managers, this generic training was felt to be sufficient in helping them to identify and address issues for vulnerable claimants, including DV victims, many would also welcome DV training.’<sup>119</sup>

#### **5.4. Unnecessary information or documentation requested**

More than 61% of respondents to the monitoring survey said women were either requested to provide documents and information that were not requisite or they were told documents they had provided were not sufficient. For instance, even though DWP’s own guidelines state that it is adequate for a woman to submit a letter from UKBA/Home Office proving that she has been granted LLR to be able

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113 Implementation of JSA DV Easement and DDV Concession (see footnote 68).

114 Ibid

115 Ibid

116 Ibid

117 Ibid

118 Ibid

119 Ibid

to access benefits, women have been routinely told by JCP staff that this letter is not enough. Women were then asked to provide a range of additional documents including National Insurance Numbers (NINO), passports or identification documents and proof of address.

Individuals who choose to make a claim to income-related benefits will need to confirm their status by providing as evidence the UKBA decision letter granting them leave. (*Housing Benefit and Council Tax Benefit Urgent Bulletin HB/CTB U2/2012*)

This situation has been really stressful for the women concerned as many of them either do not have the documents requested or cannot easily obtain them. When women leave abusive situations in a crisis they often leave their immigration and identification documents behind. In other cases, their documents are held by the abuser/s as part of the domestic violence and victims are refused access to them.

“Retrieving documents left in marital home is difficult if the perpetrator refuses to give the documents over and in some cases documents are even destroyed by perpetrator.” **Support worker**

“[It is difficult to get the documents] mainly because they have fled from permanent addresses, kept their abuse secret and has had to flee leaving their papers behind or had them destroyed.” **Support worker**

“We take those documents [letter of the LOTR, letter from support agency and sometimes passport] to the Job Centre, they look at it, and it means nothing to them. They have not had the relevant training and we’re having to call and speak to management, and then go back to the Job Centre again and sit there, and explain to them and it would just make it so much easier if that particular document is revised into something much simpler which the Job Centre staff can just look at and think, ‘Right, ok, yes’.” **Support worker**

Women leaving abusive circumstances without their immigration documents, firstly, face difficulties when it comes to accessing support, as services cannot be certain of their immigration status in order to provide them with the appropriate services they need or sign post them to other forms of support. Secondly, it also makes it harder to assist these women in applying for the Concession as it will take time to retrieve the documents from the address they used to share with the perpetrator or to get a copy from UKBA/Home Office. After surmounting these hurdles women are once more asked for additional documents from JCP staff despite having the necessary letter from UKBA/Home Office stating the type of leave they have and its validity.

## 5.5. Interpreters

Despite clear guidance<sup>120</sup> from DWP on providing interpreters for those who do not understand or speak English, the findings of this report show that many women were not provided with or offered interpreters by JCP staff, and many could not understand what they had been told or even worse; what they were signing. More than half (57%) of respondents to the monitoring survey said that women were not provided with interpreters when they were clearly needed.

There seems to be high and unrealistic expectations placed on the women concerned to ask for what they need by themselves or for support agencies and women’s organisations to be able to fill the gaps by interpreting for the women, providing them with financial support while they are waiting for their benefits, paying for their travel to and from appointments, etc. Even though women’s organisations are

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120 Department for Work and Pension, (2009) *About Jobcentre Plus: Information if English is not your first language* <http://www.dwp.gov.uk/docs/DWP1000.pdf>

supporting women as much as they can, this is an unreasonable expectation as many organisations, especially those that are small and specialist, are struggling to even continue to operate in the current financial climate.

A report published in 2012 analyzing the impacts of the public spending cuts on women's organisations states that 64% of the organisations involved in the survey (131 organisations participated in the survey) said they have lost funding in the previous financial year (between 2011/12 and 2012/13) while 94% of organisation said they have seen an increase in demand for their services.<sup>121</sup> With many services either been reduced or closed down, and the demand for services significantly increasing, it is becoming increasingly difficult than ever for organisations to provide appropriate and life-saving support to all women who need it without additional financial assistance or funding.

"I couldn't speak, and my adviser [at JCP] knew that. She didn't do anything and I was, like...I was just confused, 'What's this, what's going on?' She was just like, 'What? What?' and I was like 'Oh my god, am I stupid, or why am I here?' No, they didn't do that [provide interpreters], and I didn't know anything. After that I asked my friend and she said, 'You can ask for interpreter'... I didn't know anything; no one gave me good advice." **Woman using the DDV Concession**

"I was unable to understand their English and I responded nicely to them." **Woman using the DDV Concession**

"Without my support I could not see how a woman could navigate through the system to get DDV [Concession] and ILR. Even when I spoke to the Jobcentre on the phone for an hour, they couldn't supply Language Line [an interpretation and translation service] so effectively I did the translation, and then at the Jobcentre we were not able to use the phone there to make an initial claim. Also one [interpreter] was not provided or offered at the appointment and then without notification the payment didn't go in despite all being okayed." **Support worker**

"Due to the woman not understanding the English system and terminology made it difficult for her to answer normal JSA questions." **Support worker**

"An interpreter is not always provided to make the claim and when attending appointments at the Jobcentre the staff did not make arrangements for interpreters so the woman can understand what they are signing." **Support worker**

"Women with language barriers [are] unable to speak to Jobcentre on their own." **Support worker**

"No interpreters [were] offered despite being obviously needed." **Support worker**

The problem with provision of interpreters was also reiterated in the DWP commissioned research with Jobcentre Plus staff 'reporting that they no longer have access to face-to-face interpreters (perceived reason for this as expressed by a number of advisers was that it was 'too expensive'). Translation for non-English speakers has to be done three way over the phone referred to by one Jobcentre Plus office as 'Big Word' or using 'Google translate'; 'not ideal' according to one adviser, but seen as 'working well' by a Customer Services Operations Manager (CSOM) in another office. Claimants also tend to bring someone with them to translate, but these are not necessarily equipped to deal with technical language and Jobcentre Plus staff have no way of knowing whether they are translating correctly.<sup>122</sup>

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121 Women's Resource Centre, (2012) *Surviving the Crisis: The impact of public spending cuts on women's voluntary and community organisations* <http://thewomensresourcecentre.org.uk/wp-content/uploads/Surviving-the-Crisis-pdf-3-for-website.pdf>

122 Implementation of the JSA DV Easement and DDV Concession (see footnote 68).

Following the findings of the above report, DWP officials have stated that this failure to provide language support should not have happened and have assured women’s organisations that JCP staff should be providing women with the appropriate interpreters<sup>123</sup>. Despite their assurances, however, both their own research and what those supporting women under the Concession repeatedly state, is that women are not being provided with appropriate language support.

Clearly, this also have implications for women’s ILR applications within the three month time limit, as further appointments for an interpreter might delay the whole process and leave women without the urgent financial support they need. The lack of provision of interpreters could also compel women to use family members or someone from the community which could have implications on their safety. Firstly, there is no way of finding out if that person has the necessary language skills to communicate the information accurately, and secondly it is hard to determine whether the woman is comfortable and indeed safe to discuss sensitive information regarding the abuse she has experienced in the presence of that person.

The table below summarises some of the problems encountered by the women accessing Jobcentre Plus, as reported by those who responding to the monitoring survey.

**Table 2 – Problems encountered when accessing benefit or JCP offices**

<b>Encountered problems</b>	<b>Responses</b>
Job Centre staff were not sufficiently aware of the DDV concession	84.62% (n=22)
Job Centre staff were not sufficiently aware of the Jobseeker’s Allowance Domestic Violence Easement	76.92% (n=20)
Women were asked to provide a National Insurance Number	61.54% (n=16)
Women were not provided with interpreters when necessary	57.69% (n=15)
Queries from women were not resolved by Job Centre staff quickly and efficiently	53.85% (n=14)
Women were asked to provide a passport/Identification documents	50% (n=13)
Women were asked to provide proof of address	50% (n=13)
Women could not access Crisis Loans	50% (n=13)
Women felt staff were not helpful and friendly when dealing with their case	46.15% (n=12)
Information provided by Job Centres was too complicated or not clear for women to understand	42.31% (n=11)
Women experienced long waiting times for appointments	38.46% (n=10)
Women were told an email from the UKBA confirming Limited Leave to Remain was not enough	34.62% (n=9)
Women were told a letter from the UKBA confirming Limited Leave to Remain was not enough	23.08% (n=6)
An advocate wasn’t allowed to accompany the women	3.85% (n=1)
<b>Total respondents: 26</b>	

## **5.6. The amount of time it takes to process and receive benefits**

Many participants in this monitoring research expressed their concern and frustration about the amount of time it takes for women to access benefits. Given the fact that these women not only need

123 Meeting held with DWP officials and Stakeholders in July 2013.

to access financial support but also make an application to regularise their immigration status within three months, this has been a great worry.

DWP guidelines state that this category of claimants should be treated in the same way as any other claimant.

*'Those individuals who have been granted limited leave to remain under the DDV Concession and who are destitute and need financial help are granted access to public funds and are able to apply for income-related benefits, including HB/CTB, in the usual way. These claimants should be treated in the same way as other claimants who are not subject to immigration control'.<sup>124</sup> [emphasis added]*

Under normal circumstances the time it takes to process different benefit claims greatly varies. For instance Turn2us<sup>125</sup>, states that:

*'DWP aim to deal with benefit claims within a 'reasonable length of time'. In practice they set a target to process customer claims within an average number of working days (Monday - Friday). As these benefits are processed in different ways, their targets are different. In 2010/11, the targets were:*

- Income Support - 9 working days
- Jobseeker's Allowance - 11 working days
- Employment and Support Allowance - 14 working days
- Pension Credit - 10 working days.'

According to DWP data analysis, in the second quarter of 2012/13, it took an average of 24 calendar days to process new Housing Benefit claims and an average of 25 calendar days to process new Council Tax Benefit claims.<sup>126</sup> As the above targets are only the average obviously not all claims will be processed within these time frames. Besides, it is not hard to deduce that, particularly in relatively complex cases or where there is a case load, it could take much longer to process certain benefit claims.

This shows that in most cases women using the DDV Concession (as they are treated as any other claimant) have to wait for a considerable amount of time before being able to access benefits. A woman who participated in the focus groups said that it took her one and half months to receive income support. This situation is problematic to this group of women as they also have an additional hurdle, regularising their immigration status, as they wait to receive benefits. The monitoring survey found that most women with children on average have to wait for more than 12 weeks to receive Child Benefit or Child Tax Credits. It is worth noting that, even though DWP guidelines state that these women 'should be treated in the same way as other claimants who are not subject to immigration control', they are not in the same situation as other claimants as they have an additional hurdle to overcome in terms of their immigration status.

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124 Housing Benefit and Council Tax Benefit Urgent Bulletin (see footnote 60).

125 Turn2us is a charity which helps people access the money available to them – through welfare benefits, grants and other help <http://www.turn2us.org.uk/>

126 Department for Work and Pension, (2012) *Housing Benefit and Council Tax Benefit Speed of Processing: July 2012 to September 2012* [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/222696/sop\\_sfr\\_jan2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/222696/sop_sfr_jan2013.pdf) [access June 2013].

Below is a table, drawn on data from the monitoring survey, which shows the average number of weeks different benefits<sup>127</sup> took to be processed.

**Table 3 – Weeks it took to process and receive a range of benefits**

Answer Options	Less than 1 week	1 - 2 weeks	2 - 4 weeks	4 - 6 weeks	6 - 8 weeks	8 - 10 weeks	10 - 12 weeks	More than 12 weeks	Total <sup>128</sup>
Attendance Allowance	1 (25%)	0	0	1 (25%)	0	1 (25%)	1 (25%)	0	4
Child Tax Credit	0	0	1 (4.3%)	5 (21.7%)	4 (17.4%)	1 (4.3%)	3 (13%)	9 (39.1%)	23
Council Tax Benefit	0	1 (5.6%)	6 (33.3%)	3 (16.7%)	1 (5.6%)	2 (11.1%)	3 (16.7%)	2 (11.1%)	18
Crisis Loan	4 (30.8%)	2 (15.4%)	0	2 (15.4%)	0	0	1 (7.1%)	4 (30.8%)	13
Disability Living Allowance	0	0	2 (22.2%)	2 (22.2%)	1 (11.1%)	0	1 (11.1%)	3 (33.3%)	9
Employment and Support Allowance	0	2 (11.1%)	3 (16.7%)	6 (33.3%)	0	3	1	3	18
Housing Benefit	1 (3.4%)	2 (6.9%)	8 (27.6%)	8 (27.6%)	3 (10.3%)	2 (6.9%)	2 (6.9%)	3 (10.3%)	29
Income Support	0	3 (11.5%)	6 (23.1%)	6 (23.1%)	2 (7.7%)	2 (7.7%)	4 (15.4%)	3 (11.5%)	26
Jobseeker's Allowance	0	6 (20.7%)	6 (20.7%)	6 (20.7%)	2 (6.9%)	5 (17.2%)	1 (3.4%)	3 (10.3%)	29

“Child Benefit and Child Tax Credit claims had not processed by the time woman decided to leave our refuge after staying 4 month.” **Support worker**

“Mainly [the problem is around] very long delays in accessing money, conflicting information from DWP staff, lost information.” **Support worker**

“The process of Child Benefit and Child Tax Credit is too long the women and sometimes children still need feeding whilst benefit are being processed and the Crisis Loan is very hard to access at times depending on the advisor.” **Support worker**

“The application for benefits is time consuming and women do struggle financially for their daily expenses, especially if it takes time for their benefits to be processed. Not sure how long it takes to claim benefits if you do not have a National Insurance number, this may add a further delay and cause more financial hardship.” **Support worker**

127 Due to changes to the welfare system after the survey was conducted some of the benefits included in the table below are no longer available. However, the information provided does give a good indication of how long some benefits can take to be processed.

128 Total number of responses for the particular question.

## 5.7. Abusive partner receiving Child Benefit

In some cases Child Benefit payments are paid to the abusive partner and women have trouble changing the benefit into their name. At times they are not even aware that the abusive partner is claiming the benefit. If the partner refuses to give up the claim, it takes a considerable amount of time for the authorities to decide to whom the payment should be made. This means women and children fleeing abuse have to wait for weeks and even months before being able to access the financial support they need.

“Husband refused to surrender Child Benefit and made a claim too and disputed that the child lived with the woman in the refuge, case had to eventually go to Technical Section.” **Support worker**

## 5.8. Pregnant women claiming benefit

It was also reported that there is a certain level of confusion in terms of what benefit entitlement women have when they are pregnant. Some survey respondents reported that women were expected to apply for JSA while they are pregnant, and if they delivered their baby while the claim is being processed they had to then make a fresh claim for income support, which clearly makes the whole process very long, demanding and stressful for the women concerned.

“Client was pregnant at time of benefit application, however, not within the expected delivery time for income support therefore I had to support her to claim JSA for several weeks then close that claim and make a claim for income support. The client could not speak English however; was expected to seek work? By the time her benefits came through (income support) it took just over three month.” **Support worker**

“Because the client was not within the delivery time of her pregnancy to claim Income Support she had to claim JSA. This was decided over the phone after taking an hour with an interpreter, to make a claim. We had to ring up again and stay on the phone another hour to make a new claim for JSA. As the client was classed as being available for work she had to actively be seen as looking for work. This was very stressful for her as she could not speak English. As part of her JSA claim she was expected to enrol and, attend ESOL classes which she looked forward to as she was eager to learn the English language. When the time came to start [the class] the client was then entitled to income support therefore we had to submit a new claim and she was told she would have to pay for her ESOL classes as it was now not compulsory for her to attend as she was claiming income support, all very confusing for someone who doesn't understand the language and benefits system.” **Support worker**

## 5.9. National Insurance Number (NINO)

NINO is a unique reference number used as an identifier throughout the social security system to administer national insurance and benefits systems<sup>129</sup>. Benefit payments are not made until a NINO is issued<sup>130</sup> and this has been a huge problem for women accessing benefits under the Concession as NINO decisions can take a very long time in some cases. Even though HM Revenue and Customs states that if one needs to claim benefits, the NINO application will be made as part of the benefit claim process,<sup>131</sup> it was reported that women accessing benefits through the DDV Concession are being made

129 Department for Work and Pension, (2012) *Introduction to National Insurance Number (NINO) Allocation* <http://www.dwp.gov.uk/docs/snap-01-introduction.pdf>

130 Department for Work and Pension, (2012) *Benefits Inspired NINO Allocation DCI1 Process* <http://www.dwp.gov.uk/docs/snap-06-dci1-process.pdf>

131 HM Revenue and Customs Website, *Applying for a National Insurance Number* <http://www.hmrc.gov.uk/ni/intro/number.htm> [accessed June 2013]

to wait for a considerable period of time to get their NINO before they could then apply for benefits. In one case, it took a woman more than three month for the NINO to come through and the woman was not able to access benefits during this time.

“It takes a long time to sort out the National Insurance number. Most of our delays have been because of this.” **Support worker**

“Client not having a NINO and her identity document being with the Home Office meant opening even a Post Office account is impossible, took three month for NINO to come through which meant no income at all for the first 3-4 month! Despite being eligible for the Concession.” **Support worker**

### **5.10. Bank/Post Office accounts**

Benefits are usually paid straight into bank, building society or credit union accounts. If a benefit claimant does not have an account, payment is made through a Post Office account. Post Office accounts are specifically designed for benefits, state pension and tax credits payments. However to open any of these accounts a person need to provide proof of identity, such as a passport and proof of address such as a recent bill with the person’s name and address on it.

This has been quite difficult for women as many leave the abusive situation without these documents. They are also not in possession of bills and documents proving their address as they may be in temporary accommodation away from the abusive situation. In certain cases they cannot provide the address of refuges for safety reasons. Banks and Post Offices are also not familiar with the LLR or some biometric card documents which has made it difficult for women when they take these documents to open an account.

“Many women do not have a Bank/Post Office account in their own name and neither do they have relevant documents (proof of address) to open such accounts.” **Support worker**

“Because of confidentiality the address of the [refuge] is P.O. Box and I have had lots of difficulty about this address for example if I want to register in library – they didn’t accept this address from me, or opening bank account or something, they don’t accept it...like Job Centre...like that time when I applied I didn’t have bank account and I wanted to open a Post Office account. Then they didn’t accept the P.O. Box address from me, and now they sent my money by cheque. Then they just said, ‘Oh, we cannot send you a cheque anymore, we cannot send you anything’. And then when I took the letter from [the refuge], like, ‘I am living here’; they didn’t accept it.” **Woman using the DDV Concession**

“We have problems with banks, and GPs; they ask for permanent address proof, and we don’t have things like that, so that they don’t listen to us. So, that’s why we have problems, we can’t open a bank account, we are not registered with a GP until we have permanent address proof.” **Woman using the DDV Concession**

“Everyone’s having that problem, unless you have proof of address, like a utility bill, you can’t get a bank account.” **Support worker**

## 5.11. Backdating benefits payments

Concern was also raised around backdating benefit claims for refugees that provide accommodation and support to the women using the Concession. Usually a woman who goes to a refuge for accommodation and support needs to pay rent or her housing and subsistence cost will be covered through benefits<sup>132</sup>. A UKBA/Home Office letter that confirms the individual's immigration status, i.e. the LLR, contains the period during which the leave given to a woman is valid. However, UKBA/Home Office also sends an email before a letter to confirm that LLR has been granted to the women. There have been reports of discrepancies between the valid dates of leave stated in the email and the dates stated in the letter, and JCP and local authorities refusing to backdate payments to the date stated in the email, which has financial implications for the support services providing the accommodation and support.

Even when such discrepancies do not occur, organisations say that in most cases they do not have the financial means to support women in the interim period, i.e. the period between the woman applying for the Concession and getting a decision on her LLR. Unless funding is provided to these organisations to deal with the interim period, many women are being left to find accommodation and make the initial application on their own, which is obviously a huge challenge.

“Most recently JCP only backdate the benefits for one month. It has obvious financial implications on woman and service provider – who picks up the tab?” **Support worker**

“Lack of clarity of who pays for the gap between email notification and postal correspondence. In some instances the initial response comes via email but because JCP are unwilling to accept emails we have to wait for a paper copy through the post. The paper copy normally has a different date from the email (later) and JCP will use that as effective date. [The] woman has been in refuge for more days. In one particular incident there was a 10 day gap.” **Support worker**

## 5.12. Benefits stopping after three month

Even though LLR is granted for three month, individuals receiving benefits are entitled to continue receiving it if the UKBA/Home Office has not made a decision on their application for an ILR within three month. Pending a decision from UKBA/Home Office, the claimant is considered to have valid leave and is eligible to continue to receive benefits “*without the need for a formal ‘extension’*” by the UKBA<sup>133</sup>. Even in cases, when there has been a negative decision on the ILR application, benefits should not stop if the individual has appealed the negative decision and is waiting to hear the final outcome of the appeal.

Both the women using the Concession and those supporting them said that this measure has not been applied in some JCP offices. Benefit payments are being stopped immediately after the three month period even when a woman has not received a decision on her ILR application.

“[The problem is] lack of funding; after the three month of the DDV [Concession] and if the UKBA has not yet processed the application for ILR, benefits [are] stopped.” **Support worker**

“I went first time and I didn't know anything what I have to do. My key worker was talking with them and they gave me money first time. It was not regular, they stopped my money, and I didn't understand anything of what's going on. They gave me money until three month, I had visa. When

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132 Shelter Website, *Women's Refuge* [http://england.shelter.org.uk/get\\_advice/homelessness/emergency\\_accommodation\\_if\\_homeless/womens\\_refuges#what\\_are\\_women%27s\\_refuges\\_like%3F](http://england.shelter.org.uk/get_advice/homelessness/emergency_accommodation_if_homeless/womens_refuges#what_are_women%27s_refuges_like%3F) [accessed July 2013].

133 Department for Work and Pension, (2012), *Housing Benefit and Council Tax Benefit Urgent Bulletin HB/CTB U4/2012*.

my visa finished ...they stopped my money but when I got my visa [ILR] they gave me money. They don't give me good advice... I didn't understand anything.” **Woman using the DDV Concession**

“They started the benefits and they stopped it, they did not even send the full amount of money in my bank and they stopped my benefits and my key worker she just called them and she said, you know, ‘The benefits has been stopped and what is the reason?’ ... they didn't give any reason at all. My key worker was trying to catch everyone who knew the right thing, why did they stop the benefits, and they really took a long time and it was around one month and it was really hard, you know, financially it was really hard for me to suffer because I did not have any kind of money you know and no income at all. I didn't have any saving so it was really difficult for me to struggle in that time and they were, like, they started my benefits and they stopped my benefit and again they stopped my benefits ... the second time.” **Woman using the DDV Concession**

“I've had mixed experiences where I've spoken to the managers at the Job Centre, they don't know anything about it and they stop the benefits. And then I had to provide a letter from [solicitor], a further letter on top of the information we already had from the Home Office on the DDV Concession confirmation. It didn't make any difference at all, even with that letter. It was not until my client had got the ILR that she was given the backdated money. At one point, actually, more than one point, we had to go to the top policy makers, and then they have had to contact the Job Centres and speak to management and say, you know, ‘Why have you stopped the benefits, why are you making them sign on?’ It's been a quite challenging experience, with the Job Centre.”

**Support worker**

### **5.13. Women expected to meet the Habitual Residence Test (HRT)**

Benefit claimants usually have to pass a ‘test’, known as the habitual residence test<sup>134</sup>, which assesses a person's right to reside in the UK and that the person's intention to settle in the UK. There are, however, some exceptions to this rule including those applying for benefits through the DDV Concession.

*‘Individuals who have been granted limited leave outside the rules under the DDV Concession will be exempt from both stages of the Habitual Residency Test (HRT) but will need to confirm their status by providing evidence from the UKBA granting them limited leave to remain (notification of a grant to leave outside the rules)’.*<sup>135</sup>

Both organisations working with women and the women using the Concession stated that in some instances they have been asked to meet the HRT test or complete the HRT form.

“The service user had been out of the country for a few years and therefore was subjected to HRT.”

**Support worker**

“HRT form was still requested from DWP.” **Support worker**

134 Department for Work and Pension, (2012) *Habitual residence and right to reside - IS/JSA/SPC/ESA* <http://www.dwp.gov.uk/docs/dmgch0703.pdf>

135 Housing Benefit and Council Tax Benefit Urgent Bulletin (see footnote 133).

## 6. Support needs of women and organisations supporting them through the DDV Concession

This section examines the challenges service providers and women using the DDV Concession face and their support needs under the scheme.

### 6.1. Organisations not being able to support women under the DDV Concession

Although 78 survey respondents reported that they were approached by a service user or an agency on behalf of a service user to provide support under the DDV Concession scheme, 26% of these stated that they were not able to support the women in these particular cases. They provided a range of reasons for this as stated below.

#### 6.1.1. Lack of awareness

Some agencies said they did not have the necessary knowledge of how to support the women under the Concession. They noted that they did not have any training on what the scheme entails and what entitlements the women concerned have. Many felt hesitant of taking women in these circumstances into their refuges or support agencies as they were worried about the financial risks that doing so might bring to their organisations, alongside the very limited 'move-on' options. They also feared that the process would be too complicated or it would take a really long time to support the women. More than 10% of those who responded to the survey said they are not familiar with the new scheme<sup>136</sup>.

Even when they are aware of the scheme many refuge providers insisted that the women need to get their LLR before being accepted into a refuge. This means women have to find a place to stay on their own or face destitution until they obtain such leave.

"I would say lack of training, it was my first case under the new guidelines and, I had received no training apart from an information day where the UKBA attended to answer questions. The DWP were also scheduled to attend, however, they gave their apologies and workers were disappointed as the questions they had come prepared with were for the DWP. Most of the info I sought myself and, have supported others ringing our service with advice." **Support worker**

"Because the refuge said 'she needs to apply first' I waited for one week before I was accepted. And the acceptance came back and then they say she can come. Then I took a train and came." **Woman using the DDV Concession**

"Many refuges have been reluctant to accept women who have been granted LOTR as they feel that these are women who have 'no recourse to public funds'." **Support worker**

"Refuges are reluctant to accept women unless the benefits are in place, so there is a time delay between the woman leaving the abusive relationship and accessing refuge." **Support worker**

"It is difficult as no refuge is willing to accept the women without confirmation letters from the UKBA that they have funding. This puts women at further danger to wait for the funding to be approved before taking the women." **Support worker**

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136 The rest, 35% and 55%, said they are 'very familiar' and 'fairly familiar' respectively.

Throughout this monitoring process, what became evident is the need of training for all those involved in implementing the Concession. Providing various training sessions on the DDV Concession across the country alongside the monitoring research<sup>137</sup>; professionals repeatedly highlighted the need for training around the Concession as well as the fundamental changes in the welfare system, immigration law and legal aid cuts. Many who participated in the training said that this is the first time they have had any training on the issue and 97% of those who participated in the training<sup>138</sup> said that it had provided them with a better understanding of the DDV Concession. 90% said the training will enable them to support women better under the new scheme.

“I arrived knowing nothing. Training was clear and informative. All questions were answered well. Thank you.” **Training participant**

“[The training will enable us to support women better] as we have been mis-advising clients in Social Services.” **Training participant**

“[I was] not aware of some details, [I] will now be able to support [clients] better.”  
**Training participant**

“I had very little knowledge on this issue and now have some key messages to take back.”  
**Training participant**

“[I] was completely ignorant of DDV before today.” **Training participant**

“Overall the presentation, content...exceeded my expectations and I now feel able to provide a better and safer service to the women affected. Thank you all very much!” **Training participant**

“Great training, [it] will definitely support me to carry out my work role now I’m better informed.”  
**Training participant**

“Training was brilliant...very clear and easy to understand. I knew nothing on this subject before I arrived. Feel I can now share my knowledge with colleagues. Thank you.” **Training participant**

“This was a very informative training session and has sufficiently equipped me to work with service users in this category.” **Training participant**

### **6.1.2. Lack of funding and refuge spaces**

Some agencies could not support women either due to lack of funding or lack of available space in their organisation. In fact, ‘*lack of funding*’ and ‘*lack of space*’ were the two phrases mentioned repeatedly after ‘*lack of training*’ and ‘*lack of awareness*’ throughout the survey.

The current economic climate has been really challenging for women’s organisations and especially those providing specialist services to women from ethnic minority communities.

According to research<sup>139</sup> conducted by Lancaster University in early 2012:

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137 As indicated above, the training element of the project was in addition to the monitoring research, quotes cited here are not part of the research data but highlight and support some of the research findings.

138 The DDV concession training was provided in partnership with Southall Black Sisters, Rights of Women, BAWSO, Scottish Women’s Aid and Angelo Centre in London, Leicester, Newcastle, Swansea and Glasgow.

139 Towers, J., Walby, S., (2012) *Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls*. Lancaster University.

- Thirty-one percent of the funding to the domestic violence and sexual abuse sector from local authorities was cut between 2010/11 to 2011/12, which is a reduction from £7.8 million to £5.4 million.
- Organisations with smaller budgets had more substantial budget cuts than larger ones: among those with local authority funding of less than £20,000 the average cut was 70% as compared with 29% for those receiving over £100,000, between 2010/11 and 2011/12.
- Fifty percent of Black Asian Minority Ethnic and Refugee (BAMER) specialist women’s organisations that were open in 2003 had closed by 2008.
- Two hundred thirty women, just under nine percent of those seeking refuge, were turned away by Women’s Aid on a typical day in 2011 due to lack of space.

These findings clearly show the financial constraints under which women’s organisations, especially those working with ethnic minority women, expected to operate. Without the necessary funding for these organisations women, especially those under the Concession, will continue to be unable to access the support to which they are entitled.

“It takes time to set up benefits; how does the woman live in the meantime?” **Support worker**

“Lack of funding to support client financially - i.e. for food, clothes, immediate accommodation.” **Support worker**

“No additional funding is available in working and supporting the women. No immediate funding to feed whilst benefits are processed.” **Support worker**

“Lack of accommodation when required, takes time to access benefits, difficulty in being eligible for a crisis loan.” **Support worker**

### 6.1.3. Past negative experience with DWP and local authorities

Some respondents said that they could not support women under the Concession since they were not sure if they would be reimbursed housing and other benefits since they had negative past experiences of DWP and local housing authorities failing to award backdated benefit claims which resulted in rent arrears. Some of the agencies also cited ‘lack of support from local authorities’ as another reason for a lack of confidence in providing the support. The table below lists the summary of reasons that were provided by survey respondents on why they were not able to provide support to women using the Concession.

Reason for not providing support	Responses
Lack of available space	38.89% (n=7)
Uncertainty about the immigration status of the women	38.89% (n=7)
Lack of awareness on the entitlements of women under DDV Concession scheme	27.78% (n=5)
Concern around ‘move-on’ or resettlement options	27.78% (n=5)
Lack of training on how best to support women under the DDV concession scheme	22.22% (n=4)
To avoid financial risk to organisation	16.67% (n=3)
Past experience of DWP and local housing authorities not awarding backdated benefit claims which resulted in rent arrears	11.11% (n=2)
Lack of previous experience supporting women with No Recourse to Public Funds	5.56% (n=1)
<b>Total Respondents: 18</b>	

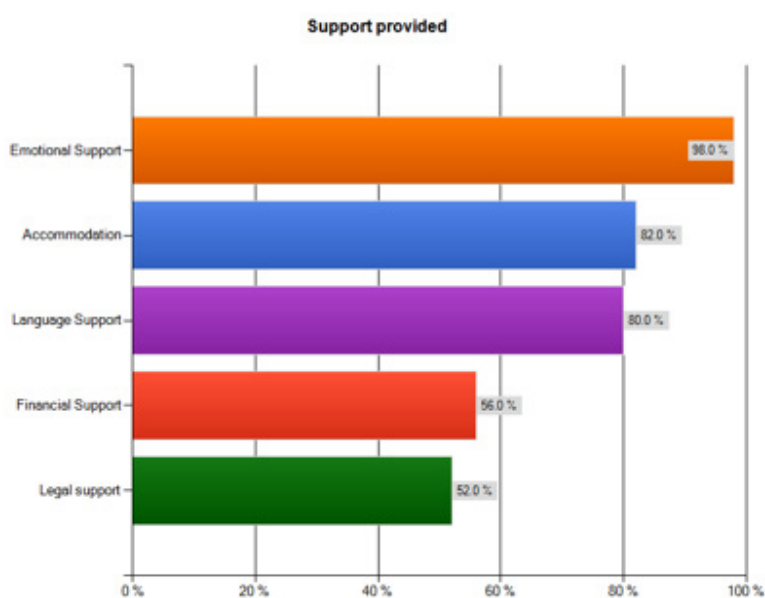
### 6.2. Supporting women under the DDV Concession

Fifty-eight organisations who responded to the survey said that they have supported women under

the DDV Concession. Between them they have supported more than 221 women in total between December 2012 and May 2013<sup>140</sup>. Those who supported women under the Concession provided a range of services, including, emotional support (98% of the women needed emotional support), language support (80% of the women needed language support) and accommodation (82% of the women needed housing or accommodation). Other support provided included legal support or sign posting, advocating for women when accessing support from other agencies, liaising with social services and other local authority departments and providing women with the necessary support when applying for DWP benefits.

“We support with food bank vouchers and ask our local community for items such as prams, toys, books etc. We offer telephone and computer access and make calls on their behalf. We find nursery places if possible for the children, we help with washing clothes, we constantly badger local authority no recourse team and we make community centre available to families as many days as possible.” **Support worker**

**Figure 8**



### 6.3. Women with children

An estimated 144 women (over 70% of all supported) had a child or children with them when they approached the agencies for support. This is a conservative estimate as some agencies did not record an accurate number. Agencies also reported that around 57% of the women had two or more children with them.

Agencies that were not able to support women under the Concession were asked if the presence of children in any way influenced their decision to support or not to support the women. Seventy-eight percent said the presence of children did not in any way influence their decision, while around 22% said the presence or absence of children did actually influence their decision. One agency stated that they are ‘commissioned to only work with service users with children under the age of five’ and another service said that ‘their project only supports single women’.

140 One organisation reported that they supported two men under the DDV concession scheme.

## 7. Conclusions

The research set out to monitor the implementation of the DDV Concession scheme and specifically focused on four key areas:

- How the scheme is being implemented when women regularise their immigration status.
- How the scheme is being implemented when women try to access financial support and benefits.
- What support needs women and the organisations supporting them have when using the scheme
- Finally, informed by the findings of the monitoring, practical recommendations for future policy and practice are provided.

In general, the monitoring research has found that the principle of mainstreaming the support for this group of women is largely a sound and welcomed decision. However, the monitoring research found obstacles in the implementation of the scheme, many of which are technical but also fundamental if the rights and protection intended by the scheme are to be meaningfully implemented and accessed by the women.

### 7.1. Regularising immigration status

Regularising immigration status is one of the strands in implementing the DDV Concession scheme. The UKBA/Home Office role in this strand involves two stages; the initial notification and application for Limited Leave to Remain (LLR) and the application for Indefinite Leave to Remain (ILR). The research found that the notification stage appeared to be operating relatively smoothly with quick response especially when women have access to the necessary support such as immigration advice and language support. However, even at this early stage, sometimes delays and complications were reported especially with the requirements relating to the registration of biometric details.

As regards the ILR application stage the monitoring research has shown that applications and decisions could be made easily as long as all the necessary evidence is easily accessible and women have access to immigration advisors and other support. To make valid ILR application women need to gather all the necessary evidence as regards the DV while also trying to access benefits in three month time period provided at the LLR stage. This has been reported to be one of the major problems for women accessing the scheme. For instance, police and health professionals are reported not to be responding to request for evidence as regards the occurrence of DV within the time limit which has caused delays in making ILR application. Besides, women are also being charged for such service notwithstanding their destitution.

The research findings also highlighted that women in majority of the cases were only able to make the ILR application because they received the necessary support from range of agencies, especially support around language, immigration advice, IT support, emotional support, advocacy around housing and benefits and support related to their children.

### 7.2. Accessing benefits

The second strand of the DDV Concession scheme is accessing benefits from DWP and local authorities. The monitoring research found a huge number of obstacles in the operation of this element of the scheme. Many reported major weaknesses in the awareness, understanding, confidence and empathy of DWP staff when women using the scheme approach them. There were also reports that women were not given the right information at JCP. In addition, women were wrongly and unnecessarily required to produce certain documents and they were wrongly required to comply with certain procedures from which they were exempt and in some cases unable to meet. For instance, some women using the DDV Concession scheme were asked to meet the habitual residence test, from which they are exempt. In

many cases staff at JCP did not provide interpreters for women, when they clearly needed one. Even after surmounting such hurdles and at the point when women were to receive their benefits, practical problems such as not having bank or Post Office account or proof of address to open one, has meant that women were not able to access the benefit they are entitled to and above all desperately need.

### **7.3. The support needs of agencies supporting women using the scheme**

There were few recurring themes in regards to the needs of organisations that support women under the scheme. Many reported that due to lack of training and awareness of the new scheme they did not feel confident to support women using the DDV Concession. Lack of funding and resources was also part of the challenges organisations faced as they had to turn women away for lack of space or capacity. Recent policy changes such as cuts in legal aid have had impacts on the level of support organisations are able to provide. Besides, since these cases are often complex and demanding, without the adequate resources and awareness many are still reluctant to engage with women using the scheme, leaving them vulnerable and unable to access a scheme introduced for them.

## 8. Recommendations

This section lists practical recommendations; informed by the findings of the monitoring survey, experience of agencies supporting women under the DDV Concession and what women said in the focus groups when asked, 'what would you recommend or say should change?' The recommendations are aimed at all agencies who are involved in the implementation of the DDV Concession, including but not only, UKBA/Home Office, DWP, local authorities, funders and other relevant support agencies.

### **Recommendation 1 – Training**

#### **Target audience – DWP, local authorities and support agencies**

There was almost unanimous agreement about the need for more training about the DDV Concession and generally how DV affects migrant women from all involved in the monitoring research. There is an obvious need for training of JCP staff and other statutory agencies both around the new scheme and domestic violence and its effect on ethnic minority women. There is also need for training for the voluntary sector; women's organisations, agencies working with migrants and those providing legal advice.

“Quality training for refuge staff in order for refuge staff to provide a better service and support to women and children” **Support worker**

“Better training for JCP staff particularly in processing departments.” **Support worker**

“More training and awareness raising of the DDV Concession to refuges and statutory agencies (social services, housing, police and DWP)” **Support worker**

### **Recommendation 2 – Information**

#### **Target audience - DWP, UKBA/Home Office and local authorities**

In addition to providing training, agencies entrusted in implementing the scheme, especially DWP and UKBA/Home Office, have to invest in providing general information about the scheme and the available support for this group of women. The scheme needs to be advertised in JCP offices, local authorities and housing associations. In addition, staff at such agencies should have comprehensive guidelines, with input from specialist organisations, for their reference. Women coming to the UK on spousal or partner visas also need to be informed, in their own language, about the availability of support if they are victims of domestic violence.

“It would be useful to have some formal printed information about the DDV rule for service users in many languages so that they (if safe to do so) can take it away and think about it as an intervention for their needs.” **Support worker**

### **Recommendation 3- Funding**

#### **Target audience - Funders/commissioners, DWP, local authorities and UKBA/Home Office**

What was also obvious from the monitoring was that without the support and advocacy provided to women by support agencies and specialist women's organisations, in the majority of the cases women using the DDV Concession would not be able to navigate the process unaided. However, it has been clear that there is currently not enough funding or financial means for organisations to provide the appropriate support to this group of women. In many cases the support that has been provided in these cases goes above and beyond the capacity limitations of the organisations concerned. Funders, commissioners and others must recognise the gaps and the need for specialist services for ethnic minority and migrant women who flee domestic violence. They should also recognise the need for a holistic support as these cases are often complex cases and require intensive intervention.

“Financial support from day one and faster access for all services.” **Support worker**

“More funding to assist service users with accommodation, living expenses/costs and so forth.” **Support worker**

“Need money from day one. Until benefits are sorted we are having to lend women money, which we struggle to do.” **Support worker**

“More money...we are one of the few refuges in the region who will take women with no recourse.” **Support worker**

“Immediate funding for basic necessities in particular where children and babies are part of the family.” **Support worker**

“A pot of money to claim for expenses to get to appointments during this time, even a loan for if and when the ILR is through.” **Support worker**

#### **Recommendation 4 – Specialist workers**

##### **Target audience – DWP**

Having a specialist team at UKBA/Home Office with experience and training in dealing with this group of women, alongside a solid understanding of domestic violence and its effect on ethnic minority women have been of paramount importance. It has meant that in most cases decisions are made quickly and effectively, saving money, time and lives. DWP should also have specialist workers at JCP offices that are expertly trained on domestic violence and the implementation of both the DDV Concession and the JSA DV easement. These workers could also be the contact link with other support services working with these women in their respective areas.

“I would like to have had a designated person to ring who would have had knowledge of all frequently asked questions regardless how small.” **Support worker**

“A dedicated liaison person at the Jobcentre, as its not millions of people claiming under these rules, I feel a named link would really help.” **Support worker**

#### **Recommendation 5 - Fast tracking benefits**

##### **Target audience – DWP**

In addition to having a specialist team, UKBA/Home Office also fast-tracks applications made by this group of women in recognition of the exceptional situation they are in. Similarly, DWP should take into account the unique situation these women are in; as in addition to applying for benefits they are also trying to regularise their immigration status by finding an immigration lawyer and gathering evidence for their ILR application. All this is expected to be done within three month. It is only logical to fast track these benefit applications as these women are not in the same situation as other claimants who do not need to regularise their immigration status whilst fleeing violence.

#### **Recommendation 6 - Alternative ways of paying benefits**

##### **Target audience – DWP**

Women have had problems with opening bank or Post Office accounts as it has been challenging for them to provide certain documents either because they left the documents behind when they left the abusive situation or because they have sent the required documents to UKBA/Home Office with their immigration application. For such cases, there should be an alternative means of payment of benefits; otherwise women will still be left without financial support due to such technicalities.

### **Recommendation 7 – Interpreters**

#### **Target audience – DWP and funders/commissioners**

Even though DWP guidelines clearly states that women should be offered and provided with appropriate interpreters when accessing JCP, there have been many reports that this is not happening in every case. If this is due to lack of communication, DWP need to provide the necessary information to their staff regarding claimant’s entitlement to appropriate interpreters. There needs to also be more funding for other agencies that are supporting this group of women so that they will provide them with the necessary interpretation and translation services.

“Some additional funding for language services, often these women have language needs.”

**Support worker**

“Interpreters are not provided [at] all benefit agencies. It delays making applications.”

**Support worker**

### **Recommendation 8 – Extension of the three month time frame**

#### **Target audience – UKBA/Home Office**

Many of the women using the Concession as well as those supporting them reported to have struggled to gather all the necessary evidence to make a full ILR application within the three month time period. Many who participated in the monitoring research recommended an extension of this deadline to at least six month.

### **Recommendation 9 – Agencies providing evidence of DV**

#### **Target audience – Police, health authorities and other support agencies**

Most of the problems reported with the delay in gathering the evidence required for the ILR application have been because police and health authorities did not promptly respond to a request for a letter about a DV incident reported to them. Police and health professionals should be informed of the situation these women face and the importance of a prompt and adequate response to their request. They should have a set target time within which they respond to such information requests. In addition, inline with the other fee exemptions provided for these applicants<sup>141</sup>, women in these circumstances should also be exempt from paying fees to get an official report as evidence of the occurrence of domestic violence, particularly given that the majority of these applicants are destitute.

### **Recommendation 10 – Biometric Registration**

#### **Target audience – UKBA/Home Office and funders/commissioners**

The change in the timing for registering biometric details has been a case of concern especially with so few Post Offices providing the service and in some cases the machines not working or not registering well; requiring re-registration. This delays the process of getting decisions regarding LLR and also accessing financial support. There needs to be more Post Offices providing the service across the country, and in the meantime there should be immediate financial support/funding for women who have to travel to different towns/cities in an attempt to access a Post Office that does provide this service.

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141 Those using the DDV concession are exempt from paying any fee for ILR application and for registering their biometric details.

## **Recommendation 11 – Refuges and other support agencies**

### **Target audience – Support agencies**

There have been reports that some support agencies, including some refuges have been reluctant to support women in these circumstances mainly because they are not fully aware of the new scheme or because they feel their cases are too complicated and time-consuming to take on. Support agencies need to understand that women under the Concession, especially after they have changed their leave status to LLR, have recourse to public funds. Refusing to support such women could be in breach of equality legislation and very detrimental to the women concerned. Therefore, they need to provide the appropriate information and training to their staff in order to support this group of women appropriately.

“In terms of refuge spaces, we need to prioritise women’s safety not the concern about the payments after three month.” **Support worker**

“Refuges should consider the letter from the Home Office as adequate in providing accommodation as the benefits take time to be resolved.” **Support worker**

“Refuges should not turn away referrals that need to be supported under DDV Concession. I have heard this has happened in other refuges.” **Support worker**

## **Recommendation 12 – Regular monitoring of the scheme**

### **Target audience – DWP and UKBA/Home Office**

There needs to be a regular monitoring of the implementation of the DDV Concession Scheme both by UKBA/Home Office and DWP, especially evaluating how many women who receive LLR are actually accessing benefits. This will be crucial in terms of understanding and addressing any discrepancies between the number of women who have LLR and who access benefits to which they are entitled. Equipped with such information, all those entrusted to implement the new scheme could improve their practice.

## **Recommendation 13 – Other women with NRPF**

### **Target audience – UKBA/Home Office**

Those who campaign around these issues see the mainstreaming of the services for women on spousal and partner visa as a major step in the right direction. However, it is still a concern that this concession applies only to very specific group and relatively small group of women. All women in the UK, irrespective of their immigration status, should be entitled to equal access to safety and justice and to be able to access life-saving support and advocacy.

“Possibly to include women who fall outside the marriage category but whose circumstances are identical.” **Support worker**

“The scheme should be extended to victims of domestic violence who are here on other visas.” **Support worker**

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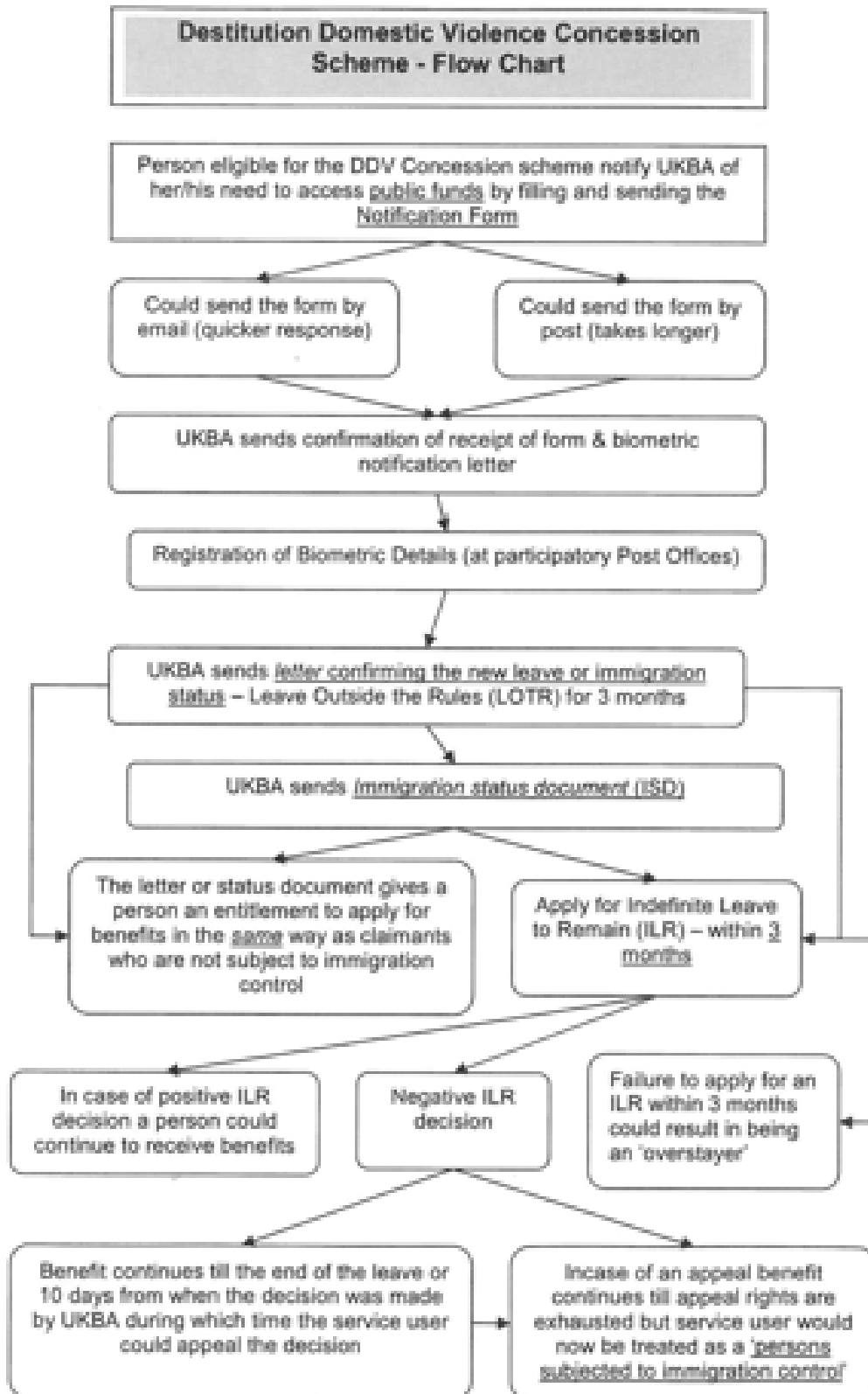
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Appendix A: Simplified flow chart on accessing the DDVC scheme



## Appendix B: Complete statistics/data from the Sojourner project

<b>Total referrals for period</b>	<b>2009</b>
<b>Female</b>	2007
<b>Male</b>	2
<b>Accepted for pilot project</b>	<b>Number</b>
Accepted for full service	1568
Accepted for pilot scheme but later rejected by UKBA	7
Accepted for pilot scheme but later declined to access service	152
<b>Actual accommodated</b>	<b>1409</b>
<b>Rejected</b>	<b>441</b>
<b>Rejection reasons</b>	<b>Number</b>
Not the right visa	282
ILR already submitted	106
Other	45
No domestic violence	7
Already has ILR	1
<b>Total</b>	<b>441</b>
<b>Referral source</b>	<b>Number</b>
NGO	856
Social services	374
Self	199
Women's Aid	160
Police	146
Statutory services	53
Health services	45
Solicitor	43
Friend	30
Other	29
Family member	24
Relative	14
Independent domestic violence advisor	9

Housing advice	8
National domestic violence helpline	7
Immigration advice	4
Counsellor	1
FF	1
IDVA	1
Carer	1
NGG	1
Not known	1
Probation service	1
Naval Personal and Family Service	1
Women with children accepted for the pilot project	760
Women with children rejected from the pilot	153
<b>Age</b>	<b>Number</b>
27	157
24	145
25	145
23	133
26	131
28	124
29	119
30	104
31	100
22	98
32	88
34	77
36	63
35	62
33	58
Not Known	56
37	47
39	34
38	34
21	33
20	29
40	28
41	19
48	15
42	14
43	13
44	11
49	10

46	8
45	7
53	6
19	6
50	6
47	4
51	4
55	4
61	3
58	2
17	2
52	2
54	2
57	1
59	1
56	1
64	1
70	1
16	1
<b>Country of Origin</b>	<b>Number</b>
Pakistan	515
India	202
Not Known	156
Bangladesh	126
Nigeria	97
Morocco	66
Turkey	55
Thailand	54
Jamaica	53
Ghana	46
Philippines	32
Iran	30
Sri Lanka	28
Gambia	27
Algeria	26
Somalia	25
Kenya	23
Uganda	21
Afghanistan	20
Iraq	20
Russia	20
Sierra Leone	20

Zimbabwe	17
South Africa	15
Mauritius	14
United States	14
China	13
Poland	12
Egypt	11
Colombia	11
Congo	11
Sudan	10
Brazil	10
Ethiopia	9
Cameroon	9
Eritrea	9
Tunisia	7
Guinea	6
Guyana	6
Senegal	5
Trinidad and Tobago	5
Grenada	5
Malawi	5
Cuba	5
Vietnam	5
Uzbekistan	5
Zambia	4
Japan	4
Peru	4
Dominican Republic	4
Angola	4
Tanzania	4
Chile	4
Ukraine	4
Ecuador	3
Rwanda	3
Syria	3
Dominica	3
Indonesia	3
Czech Republic	3
Botswana	3
St Vincent	3
Burundi	3
Fiji	2
Latvia	2

Yemen	2
Venezuela	2
Albania	2
Argentina	2
Slovakia	2
Australia	2
Azerbaijan	2
Portugal	2
Barbados	2
Mongolia	2
Nepal	2
Namibia	2
Malaysia	2
Lithuania	2
Libya	2
Liberia	2
Lebanon	2
Kosovo	2
Cambodia	1
Chad	1
Bolivia	1
Armenia	1
Bulgaria	1
Belarus	1
Macedonia	1
Uruguay	1
United Kingdom	1
Togo	1
Taiwan	1
Swaziland	1
Serbia and Montenegro	1
Saudi Arabia	1
Romania	1
Papua New Guinea	1
Kuwait	1
Madagascar	1
Comoros	1
Kyrgyzstan	1
Jordan	1
Ivory Coast	1
Italy	1
Israel	1
Germany	1

France	1
Dubai	1
Côte d'Ivoire	1
Palestinian State	1
<b>Total</b>	<b>2009</b>
<b>Ethnicity</b>	<b>Number</b>
Asian - Pakistani	516
Black - African	498
Asian - Other	233
Asian - Indian	204
Not known	150
Asian - Bangladeshi	126
Middle Eastern	80
Black - Caribbean	78
White - Other	47
Latin American	42
White - European	22
Eastern European	5
Chinese	3
Black - Other	2
White - British	1
White - Irish	1
Eastern European	1
	2009

jobcentreplus

# Jobseeker's Allowance

Department for Work and Pensions

## Application for exemption from jobseeking conditions (DV)

### About you

Surname or family name

Other names

National Insurance (NI) number

Date of birth

Address

### About the domestic violence

When did the latest incident of domestic violence happen?

What relation to you is the person who committed the domestic violence?

For example, husband, wife, brother in law, step-father.

Are you still living at the same address as the person who committed the domestic violence?

No

Yes

### Your application

I confirm that the details on this form are correct.  
I wish to claim an exemption to the jobseeking conditions.

Signature

Date

For our use

DV2 issued on

DV2 to be returned by


Our direct dial number is

Code	Number
------	--------

Textphone users with speech or hearing difficulties call

Code	Number
------	--------

If you get in touch with us, tell us this reference number

--

Date

	/		/	
--	---	--	---	--

## Jobseeker's Allowance and domestic violence

If you have been threatened with domestic violence, or had domestic violence inflicted upon you, your adviser will have talked to you about the help we can offer.

We have initially relaxed the Jobseeker's Allowance rules that say you must be available for and actively seeking employment, and have a Jobseeker's Agreement, for 4 weeks. We may be able to extend this period to 13 weeks if you give us written evidence from someone who has had direct contact with you in connection with the domestic violence. This could be a healthcare professional, the police, your employer, your trade union representative or a charitable, voluntary or public body.

This evidence must show that either:

- you have made contact with the person providing the evidence in connection with a threat or incident of domestic violence that is covered by the exemption. This is a threat or actual domestic violence from a partner, former partner or relevant family member, that happened during the 26 weeks before your initial notification to Jobcentre Plus, or
- your circumstances are consistent with you having been a victim of threatened or actual domestic violence during the 26 weeks before your initial notification to Jobcentre Plus.

### What to do next

We have relaxed the Jobseeker's Allowance rules for 4 weeks to give you time to get the attached DV2 form filled in or send us any other evidence that we need. Other evidence could include a police report, or a report from a social worker.

Send the DV2 form or other evidence to us as soon as you can. We must have the evidence by the date shown at the bottom of page 2 of this form. We can then decide if we can relax the rules for longer. This could be up to 13 weeks in total from the date you first told us about the domestic violence.

If you do not want us to extend the 4 week relaxation period, and you still want to claim Jobseeker's Allowance, you must sign-on as directed on your ES40JP. If you do not, you may lose money.

### If you are ready to look for work

If you do not need the full 13 week relaxation of the rules, you can ask your adviser to suspend any remaining weeks for use at a later time. The remaining weeks must be taken within 12 months of the date when the relaxation period first began.

If you want to know more, please speak to your adviser.

## DV2 form – third party's supporting declaration

Claimant's name

National Insurance (NI) number

Contact name in BLOCK CAPITALS

Organisation

Address

Phone number

- Are you
- a healthcare professional?
  - a police officer?
  - a registered social worker?
  - the claimant's employer?
  - the claimant's trade union representative?

If you are not any of these representatives, are you a member of one of the following bodies which has had direct contact with the claimant in connection with domestic violence?  
We describe what we mean by domestic violence in the notes at the end of this form.

- No
- Yes  This is  a voluntary body.  
 a charitable body.  
 a public body.

### Declaration

Personal adviser to fill in date before issue.

I confirm that

- I have been in contact with the claimant in connection with an incident of threatened or actual domestic violence which occurred within 26 weeks before / / . This is the date the claimant first told Jobcentre Plus of the domestic violence
- the circumstances of the claimant are consistent with them having been a victim of domestic violence which occurred within 26 weeks of the above date.

Signature

Date

Official stamp or reference number

Please return this form to your personal adviser by

## Jobseeker's Allowance and domestic violence – notes

### What is domestic violence for the purposes of accessing this easement of Jobseeker's Allowance rules?

The easement applies in relation to actual domestic violence or the threat of domestic violence by the claimant's current or former partner, or by the following family members of the claimant, their partner or former partner:

- grandparent or grandchild
- parent or parent-in-law
- son, son-in-law, daughter or daughter-in-law
- step-parent, step-son or step-daughter
- brother, brother-in-law, sister or sister-in-law.

If any of the preceding persons is a member of a couple, the other member of that couple is included. Step-family are also included.

The term **domestic violence** is defined as covering the types of violence and abuse that are referred to on page 11 of 'Responding to Domestic Abuse: A Handbook for Health Professionals' (DH-2005) which refers to the following types of abuse:

- **Physical** – this can include shaking, smacking, punching, kicking, presence of finger or bite marks, bruising, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, genital mutilation, 'honour violence'. Physical effects are often in areas of the body that are covered and hidden such as breasts, legs and stomach.
- **Sexual** – such as forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practise safe sex, sexual insults, passing on sexually transmitted diseases, preventing breastfeeding.
- **Psychological** – including intimidation, insulting, isolating the person from friends and family, criticising, denying the abuse, treating the person as an inferior, threatening to harm children or take them away, forced marriage.
- **Financial** – such as not letting the person work, undermining efforts to find work or study, refusing to give money, asking for an explanation of how every penny is spent, making the person beg for money, gambling, not paying bills.
- **Emotional** – including swearing, undermining confidence, making racist, sexist or other derogatory remarks, making the person feel unattractive, calling the person stupid or useless, eroding the person's independence.

#### For our use

Personal adviser's name

Contact phone number

Issued

Returned

Decision

# Destitution Domestic Violence (DDV) Concession Monitoring Survey

## About your Organisation

Name of the Organisation

Location of Organisation

- East Midlands
  - East of England
  - London
  - Northeast
  - Northern Ireland
  - Northwest
  - Scotland
  - Southeast of England
  - Southwest of England
  - Wales
  - West Midlands
  - Yorkshire and the Humber
  - Other, please specify
- 

## Type of Organisation

- Accommodation Provider
  - Advice and Advocacy Provider
  - Law Firm
  - Helpline
  - Community Centre
  - Second tier organisation
  - Other, please specify
- 

## DDV Concession and Support Provided

- How familiar are you with the Destitution Domestic Violence (DDV) Concession?
    - Very familiar
    - Fairly familiar
    - Not familiar
    - Other
-

• Since April 2012 (the start of the new DDV Concession scheme), have you been approached by a service user (or an agency on behalf of a service user) for support under the scheme?

- Yes
- No

• Have you been able to support the service user under the DDV Concession?

- Yes
- How many have you supported since April 2012?

• What kind of support do you provide to women in these circumstances?  
(Please tick *all* that apply)

- Accommodation
- Financial Support
- Legal support
- Emotional Support
- Language Support
- Other, please specify

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• How many of those you supported needed language support (in-house or external)?

• None

• Why weren't you able to support the service user?

- Lack of available space
- Lack of awareness on the issues
- Lack of training to deal with the issues
- Lack of previous experience supporting women with No Recourse to Public Funds
- Avoid financial risk
- Uncertainty that a service user might get Limited Leave to Remain
- Difficulty in the past claiming back benefit/arrears from DWP and Local Authorities
- If you like to add more information please use this space

• Approximately how many of the women you supported have had children with them?

• On average how many children did the women have?

- One child
- Two children
- Three children
- More than three, please specify

- Did the presence of children influence, in any way, your decision to support or not to support any of the service users?

- Yes, please explain

- No, please explain

## Notification Stage

- Overall how easy has it been for the women you have supported to **fill out** the *Notification Form* to apply for a Limited Leave to Remain (LLR)?

(For further information on Notification Forms go to the following website <http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/domesticviolence/#header1>)

- Very easy
- Fairly easy
- Not easy
- Please elaborate on your answer using this space

- How easy has it been for the women you have supported to **send** the *Notification Form* to UK Border Agency (UKBA)?

- Very easy, they usually send the completed form by email, please explain

- Very easy, they usually send the completed form by post, please explain

- Not easy, please explain

- Please elaborate on your answer using this space

- What kind of support do the women usually receive while sending the Notification Form? (The support given could be either from your organisation or external agencies) Please tick *all* that apply

- Legal advice
- Language Support

- IT Support
- Other, please specify

- How long, on average does it take for the UKBA to respond to women regarding their Limited Leave to Remain Application?

- For applications submitted by email
  - 1 – 5 days
  - More than 5 days
- For applications submitted by post
  - 1 – 5 days
  - 5 – 10 days
  - 10 – 15 days
  - More than 15 days

### Indefinite Leave to Remain

- Overall how easy has it been for the women you support to apply for Indefinite Leave to Remain (ILR)?

- Very easy
- Fairly easy
- Not easy
- Please elaborate on your answer using this space

- Do you think the 3 months period within which a woman is required to apply for an ILR is enough?

- Yes, please explain

- No, please explain

- If you like to add more information please use this space

- What kind of support do women receive while completing and sending an ILR application? (The support given could be either from your organisation or external agencies) Please tick *all* that apply

- Legal advice

- Language Support
- IT Support
- Other, please specify
- Do the women you support encounter any problems in regards to gathering the required evidence required for an ILR application?
  - Yes, please explain
  - No
- Do the women you support encounter any problem in regards to obtaining their biometric details?
  - Yes, please explain
  - No
- How long, on average, does it take for the UKBA to respond to women regarding their ILR application?
  - Less than 45 days
  - 45 days
  - More than 45 days

## Accessing Benefits

- Do the women you support encounter any problem in regards to accessing Job Centre Plus?
  - No
  - Yes, please specify (Please tick *all* that apply)
    - Women were told an email from the UKBA confirming Limited Leave to Remain was not enough
    - Women were told a letter from the UKBA confirming Limited Leave to Remain was not enough
    - Women were asked to provide a National Insurance Number
    - Women were asked to provide a passport/Identification documents
    - Women were asked to provide proof of address
    - Women were not provided with interpreters when necessary
    - Job Centre staff were not sufficiently aware of the DDV Concession
    - Job Centre staff were not sufficiently aware of the DV Easement
    - Women could not access Crisis Loans
    - Women felt staff were not helpful and friendly when dealing with their case
    - Queries from women were not resolved by Job Centre staff quickly and efficiently
    - Women experienced long waiting times for appointments
    - Information provided in Job Centre Plus was not clear/accessible
    - An advocate wasn't allowed to accompany the women

- Other, please specify

- How long, on average did it take for the women to access benefits?  
(Please complete *all* that apply)

- Attendance Allowance\_\_\_\_\_weeks
- Child Benefit\_\_\_\_\_weeks
- Council Tax Benefit\_\_\_\_\_weeks
- Crisis Loan\_\_\_\_\_weeks
- Disability Living Allowance\_\_\_\_\_weeks
- Employment and Support Allowance\_\_\_\_\_weeks
- Housing Benefit\_\_\_\_\_weeks
- Income Support\_\_\_\_\_weeks
- Other, please specify\_\_\_\_\_weeks

- Please also describe below whether the women you support encounter any problems in regards to accessing any of the benefits listed stated above and what these problems involve?

### Service Providers

- Please describe any barriers refuges and other agencies may be are facing when supporting women under the DDV Concession?

- Are there any recommendations that you would like to state that would make refuges and other agencies feel better supported when providing services to women in these circumstances?

- Finally, if you previously supported women with No Recourse to Public Funds under the Sojourner Project (Nov 2009 – Mar 2012), how does the new scheme compare the new scheme?

- Please use this space to give any other comments or information that you like us to consider for the purpose of this Monitoring Project (Please also let us know here if you have supported men under the DDV Concession scheme, and if you have, please let us know how many men you have supported and any other details you think relevant)

- We would also like to hear from your service users about their experience of the DDV Concession. We will be happy to come and speak to them directly or you can use the space below to send us their comments. (Please note: if your service users would like to speak to us directly then please provide your own contact details in the next question and we will be in touch to discuss this with you)

### End of Survey

Thank you for taking the time to complete this survey. If you are happy to be contacted in the future for further information on the Monitoring Project or to give further input, please provide your name, email address and/or direct telephone number below.

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## Appendix E: Focus Group Meeting Questions

1. How did you know/or get information about the DDVC and the support available?
2. Had it not been for the support you were provided by organisation X and other agencies would you have been able to complete and send the different application forms? (Notification and ILR forms)
3. How easy was it to register your biometric details?
  - a. Did you find a post office near your area?
  - b. Did it register the first time?
4. How easy was it to compile all your evidence for an ILR application – police report, medical report, documents, etc?
5. How long did it take before you start getting your benefits and how was the process for you?
  - a. Were you treated with respect?
  - b. Were you give all the right information and was the information given clear?
  - c. Were you provided with an interpreter, if necessary?
6. How did the whole process make you feel?
  - a. Did you feel supported, taken seriously believed, etc when you contacted authorities for help?
7. What do you think was/is the crucial thing in supporting you in this process?

## Appendix F: Some of the organisations that responded to the monitoring survey

- Aanchal Women's Aid
- Ashiana Network
- Ashiana Sheffield Ltd
- Ashram Housing Association
- Asian Women's Resource Centre
- Asylum Justice
- Aurora New Dawn
- BAWSO
- Bexley Women's Aid
- Bharosa
- Blackburn with Darwen and District Women's Aid
- Bromley Women's Aid
- Calderdale women centre
- Cambridge Women's Aid
- Clare House, South Ribble Women's Refuge
- Claudia Jones Organisation
- Croydon Women's Aid
- Domestic Violence Team - Hackney
- Early Intervention Project
- East Dunbartonshire Women's Aid
- East London Rape Crisis
- Edinburgh Women's Aid
- Effra Early Years Centre
- Enfield Muslim Women's Aid
- Family Action Lambeth
- Gateshead Women's Service
- Gemini
- Greenwich Asian Women's Project
- Harbour
- Harbour Peterlee Refuge
- Harbour Support Services
- Haringey Women's Forum
- Hyndburn and Ribble Valley Domestic Violence Team
- Heathrow Travel Care
- Hemat Gryffe Women's Aid
- Her Centre
- Hestia
- Hull Women's Aid
- Humraaz
- IDAS
- IMECE
- Inverness Women's Aid
- Kinara Women's Refuge
- Kirklees Asian and Black Women's Welfare Association
- KMEWO
- Lancaster and District Women's Aid
- Lighthouse Women's Aid
- Llanelli Women's Aid Ltd
- Lochaber Women's Aid
- Masbro Children Centre
- Midlothian Womens Aid
- Minority Ethnic Women's Network (MEWN) Swansea
- Monkland Women's Aid
- Mozaic
- My Sisters Place
- NCHA
- Nene valley Christian family Refuge
- New Beginnings part of CHADD Ltd.
- Newcastle Women's Aid
- Next Link
- Oasis Domestic Abuse Service
- OBJECT
- ODAS
- Pathway Project
- Preston Domestic Violence Services
- REACH Domestic Abuse Service
- Reach the People Charity
- Refuge
- Refugee Action Kingston
- Renfrewshire Women's Aid
- Rotherham Women's Refuge
- Shakti women's aid
- SixtyEightyThirty
- Slough Social Services - Early Response Hub
- Solace Women's Aid
- Southern Domestic Abuse Service
- Stirling and District Woman's Aid
- Stockport Without Abuse
- Stonham Gateshead Womens Service
- SWA
- The Anah Project
- Victim Support
- Warwickshire Domestic Violence Support Services
- Wearside Women in Need
- West Mercia Women's Aid
- Westend Women and Girls Centre
- Wigtownshire Women's Aid
- Women Against Domestic Violence
- Women Asylum Seekers Together (London) advanced English class group
- Womens Aid South Lanarkshire
- Women's Domestic Abuse Helpline - Independent Choices

## **Appendix G: Members of the Campaign to Abolish No Recourse to Public Funds**

- Against Violence and Abuse (AVA)
- Amnesty International UK
- Angelou Centre (Newcastle)
- Apna Haq
- Ashiana Network
- Black Association of Women Step Out (BAWSO)
- British Red Cross
- Child and Women Abuse Studies Unit (CWASU), London Metropolitan University
- Eaves for Women
- Imece Turkish Speaking Women's Group
- Imkaan
- Iranian and Kurdish Women's Rights Organisation (IKWRO)
- Kalayaan
- Kiran Project
- Newham Asian Women's Project (NAWP)
- Refuge
- Rights of Women (ROW)
- Roshni (Birmingham)
- Scottish Women's Aid
- Shakti Women's Aid
- Southall Black Sisters (SBS)
- Surviving Economic Abuse
- Welsh Women's Aid
- Which Direction
- Women's Aid Federation Northern Ireland
- Women's Aid (Federation of England)
- Women's Resource Centre (WRC)

**eaves**  
putting women first

