



The  
Legal  
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# DESTITUTION AND PATHS TO JUSTICE

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[ulster.ac.uk](http://ulster.ac.uk)

# Destitution and paths to justice

- *Destitution in the UK 2016* (Fitzpatrick et al)
  - consensual definition of destitution & measurement of the extent of destitution
- *Destitution in the UK 2018* (Fitzpatrick et al) JRF
  - further refinement of the scale, causes and experience of destitution
- JRF & LEF collaboration:
  - explore links between access to (or lack of) legal advice and representation and pathways into and out of destitution

# Destitution & paths to justice report

**McKeever, Simpson, Fitzpatrick**

- destitution results from, and produces, a cluster of legal and non-legal problems
- how legal advice can address particular problems
- the deficiencies in law and the advice landscape that block the pathways out of destitution

# 'Jennifer'



# 'Jennifer'



# 'Jennifer'

Family, health and employment-related problems

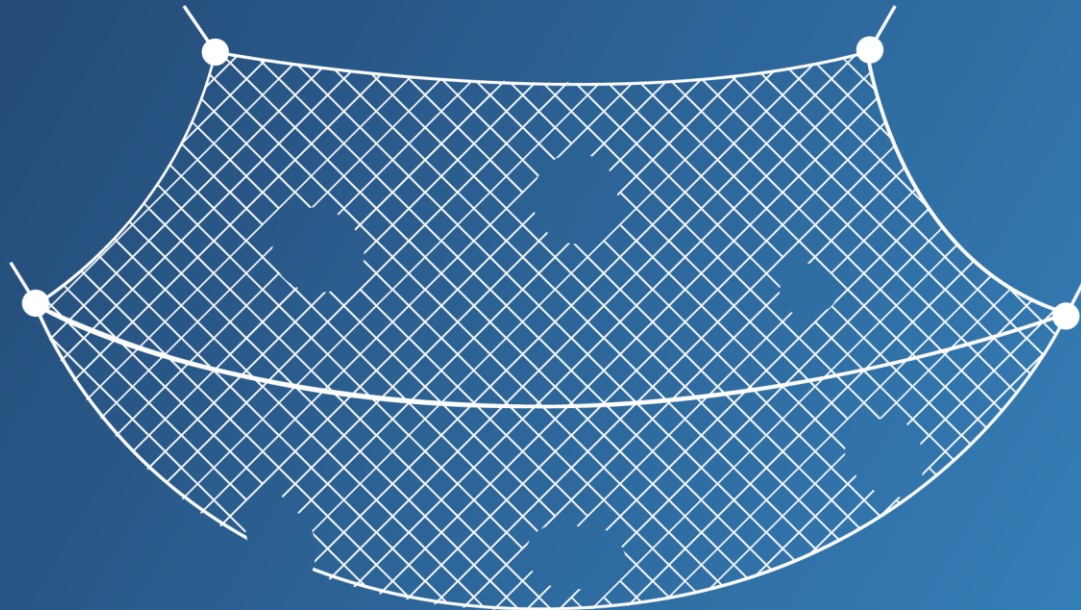


# 'Jennifer'



# The safety net of social security?

- Not enough income to meet living costs without a struggle.
- Does not keep pace with changing circumstances





# Jennifer's social security problems

Bedroom tax



Benefits



Reduced  
ESA



PIP



# Income & expenditure

## Jennifer and 3 children

Income, after housing costs:

- £62 per week / £248 per month



Expenditure:

- £32 p/m utility bills
- £42 p/m car insurance
- Unmet grocery, fuel, telephone clothing costs

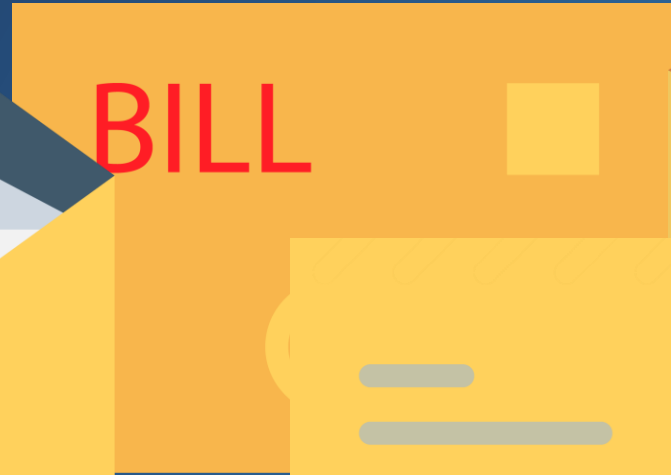


# Debts

Rent arrears:  
£2,000



Council Tax:  
add £140 court costs



**OVERDUE**



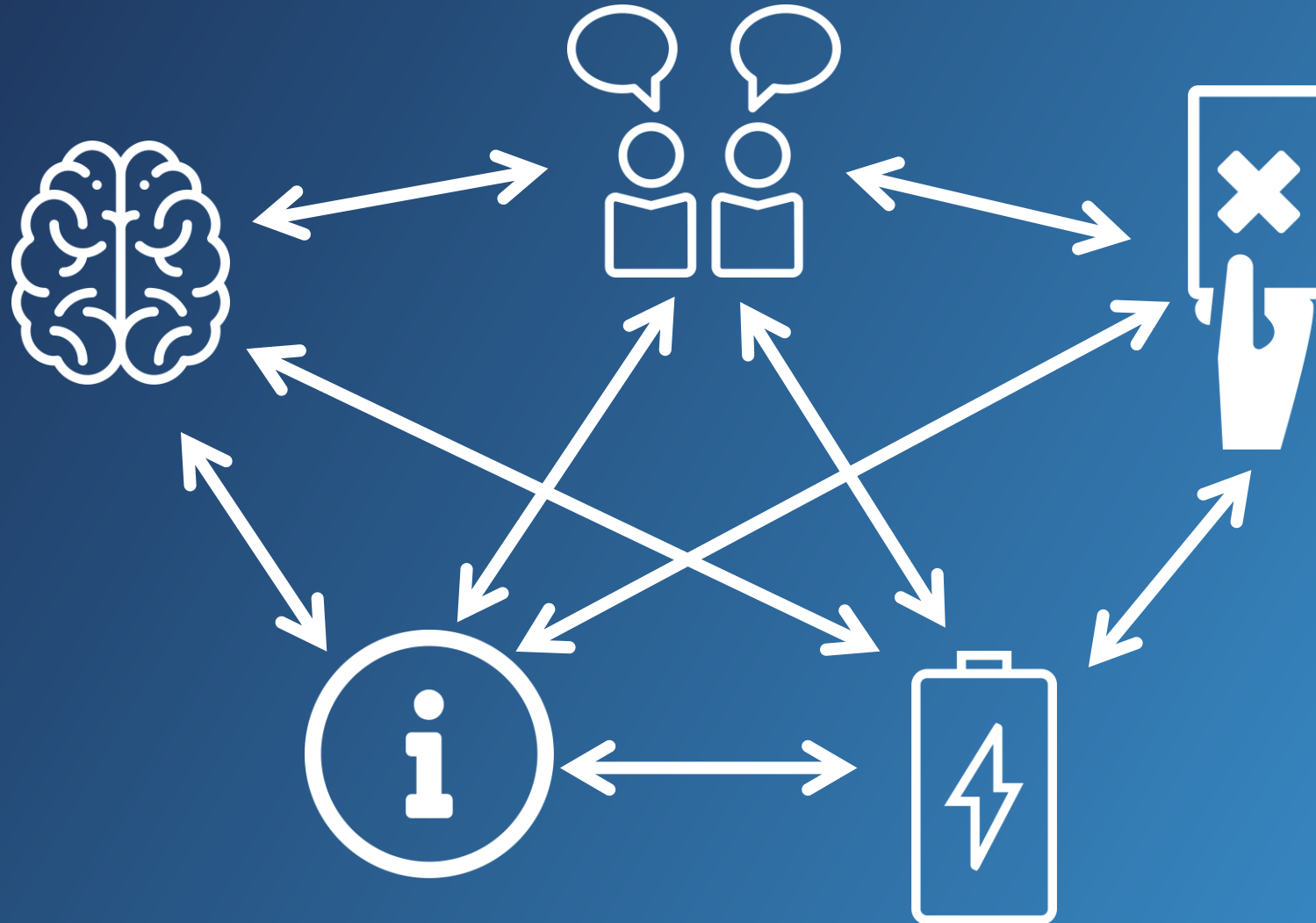
Milkman:  
£80



Energy & water:  
£2.50 p/w DRO

# Barriers to solutions

What is required to deal with Jennifer's problems?



# Jennifer's sources of support

## Multiple sources for a range of problems

State



Charitable



Private Sector



Personal



# Diversity of problems to be resolved

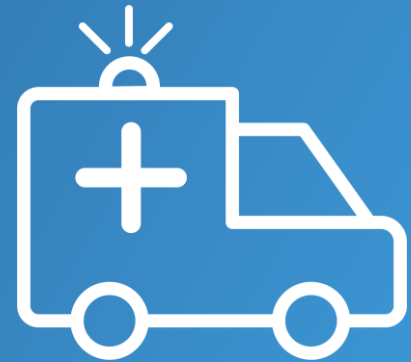
Efforts to get help undermined

1. by the sheer number of problems,
2. the fragmented nature of the advice landscape and
3. the individual's own capacity to cope.



# Problem clusters

Problems span a range of financial and administrative justice issues



# Capacity to seek help

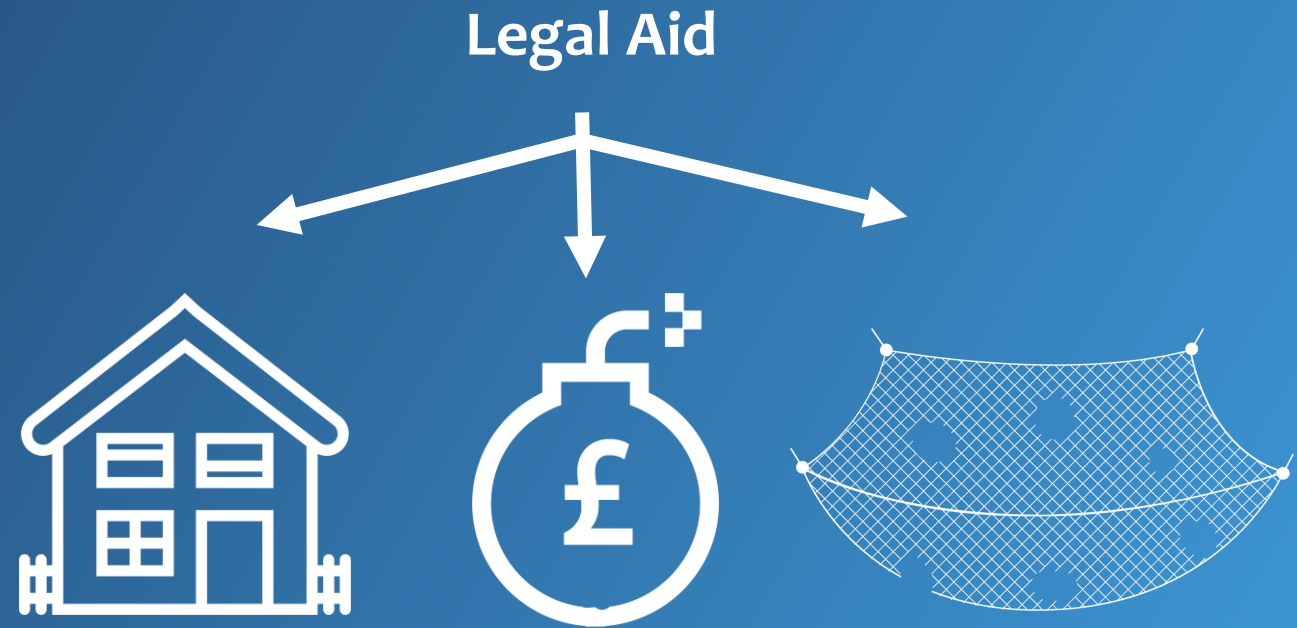
- Recognisable patterns of advice-seeking behaviour:
  - lack of awareness of legal rights or assistance to enforce them.
- Prioritising survival strategies, not dealing with the cause of the problem



# Fragmented advice landscape



# Resourcing legal interventions



# Using law as a tool for change

Law has significant influence to play in shaping & influencing change.

What is the legal definition of destitution? Is it sufficient? Is reform required?



# What does the law say?

## Immigration and Asylum Act 1999

The inability to access adequate accommodation & other essential needs

Essential Needs



Adequate Housing



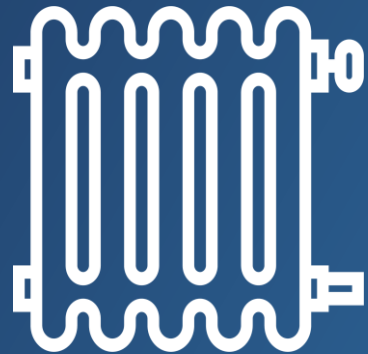
Weekly Payment



# What does the law say?

## Social security

Less detailed, sparser list



# What does the law say?

## Human rights

European Convention on Human Rights (ECHR)

- prohibition of inhuman or degrading treatment (Article 3):
  - prolonged street homelessness and access to food or washing facilities
- right to respect for family life (Article 8):
  - sufficient resources for families to obtain accommodation & avoid breakup of the family unit

No certainty about what that minimum standard of living should be and who is entitled to it

# Comparing JRF & legal definitions

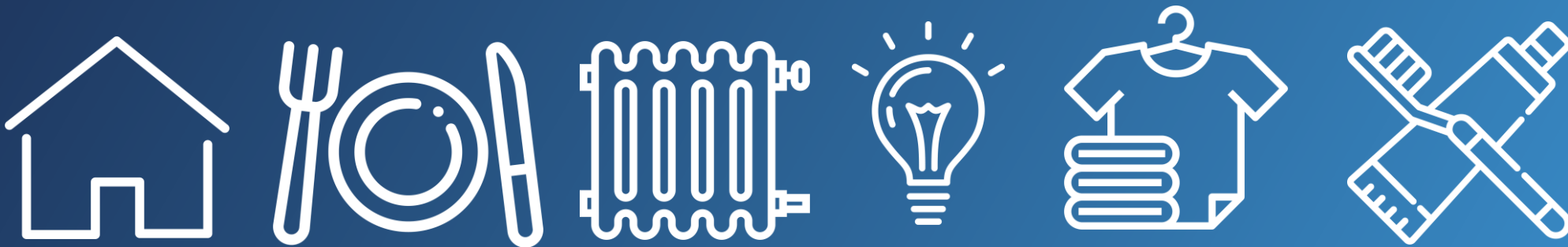
JRF:

- items proposed by a panel of experts and endorsed by the public

Legal:

- judicial decisions on individual statutes covering defined groups

Both cover same domains of destitution with some differences in the 'essential items' under different domains.



# What should the law say?

## Holistic approach across the domains of destitution

- Definition of destitution – based on JRF definition
- Duty on govt, LAs, public bodies to protect UK citizens from destitution



Prevention of  
Destitution Bill 2019



# The way forward

## Legal reform:

- Coherent legal framework that protects fundamental human dignity and prevents destitution

## Legal support:

- Already have legal tools to fight destitution, but individuals need the right support to be able to use them