

# Social Justice Lawyering: Everyday Equality

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# Everyday Equality: practical equality rights in benefits advice

## Who are we?



*SOCIAL JUSTICE  
LAWYERS FOR  
EQUALITY*

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# Everyday Equality: practical equality rights in benefits advice

## **The problems we wanted to address:**

- the discrimination advice gap
- equality impacts of welfare reform
- barriers to using the Equality Act

## **Some solutions:**

- an online handbook to help
- projects to spread learning and ideas
- legal casework to challenge and inspire

# In small places close to home

“Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world.

Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination.

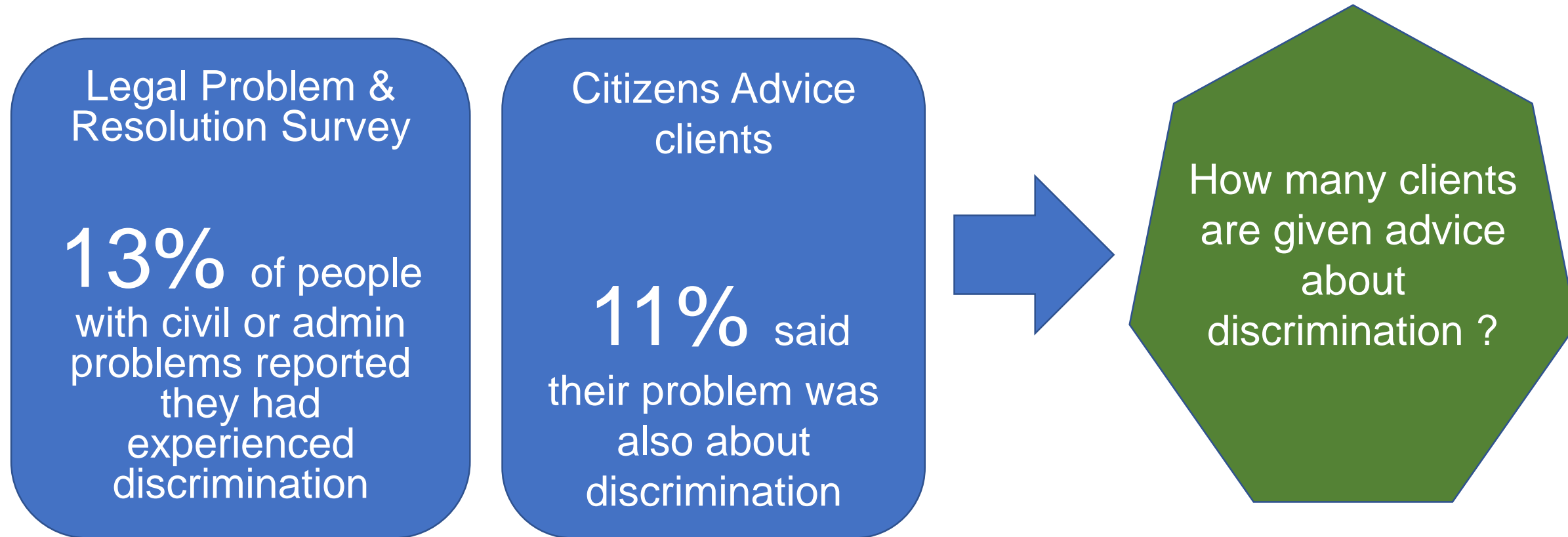
Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”



**Anna Eleanor Roosevelt**

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## What is the Discrimination Advice Gap?



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## **Difficulties accessing Legal Aid support:**

- LASPO introduced
  - a new category of discrimination advice
  - Telephone Gateway to access that advice
- CLA operator service has dealt with over 18,000 discrimination cases since 2013
- 0 (zero) people referred for face-to-face advice in 2016 / 2017

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## **Equality impacts of welfare reform:**

- Assessment process for disability benefits
- Claimant commitments and sanctions
- Universal Credit:
  - Access issues with online system
  - Lack of training for increased numbers of staff dealing with people with disabilities
  - Inappropriate focus on getting claimants with disabilities into work

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## **Barriers to specialists using the Equality Act:**

- Lack of knowledge / advice tools
- Outside caseworker comfort zone
- Legal action falls in a separate jurisdiction
- County Court claims
  - No legal aid
  - Costs risks



# Barriers to discrimination advice for generalists

## **39 reasons...** **the top ten**

- A client will describe a presenting problem as, for example, a housing problem and not talk about a discrimination problem
- Concerns about 'looking for problems' that a client has not identified or mentioned
- Adviser or client not feeling sure about how discrimination rights apply outside employment
- The hot potato effect – if an adviser identifies unfair treatment as discrimination, what can they do to help their client?
- "There is no one to refer discrimination cases to anyway"

# Barriers to discrimination advice for generalists

## 39 reasons... the top ten

- “We don’t get discrimination here”.
- Discrimination is ‘an optional extra’ and for specialist advice only
- Pressure of the waiting room – there is no time to ask about discrimination ‘as well’
- Adviser does not know or recognise the different types of unlawful discrimination
- It’s big, long & only about taking complicated legal action

# Everyday Equality: practical equality rights in benefits advice

## Solutions:

- EHRC Access to Justice fund - short project Jan to May 18
- a small team at EDF with wide collaboration
- new online handbook launched May 18



# Everyday Equality: solutions

## Our online handbook is for

- people working in welfare benefits advice who are less confident in using equality rights
  - problem-noticers and information providers
  - welfare benefits advisers
- advice managers who want to build equality rights into benefits advice delivery and show impact of advice



# Everyday Equality: solutions

Our online handbook: practical equality rights in welfare benefits advice using Equality Act rights to tackle

- sanctions
- unfair claimant commitments
- problems with assessments
- and more



# Everyday Equality: practical equality rights in welfare benefits advice

## Our online handbook includes:

- a get started section
- comprehensive A to Z of equality rights
- 'Is it discrimination' and 'solving problems' sections – tips, guidance and checklists
- directory of equality resources
- eight case studies (with example and template letters)
- four information posters
- guidance on managing discrimination advice delivery
- introductory guide to using EHRC measurement framework to show impact of welfare benefits advice

# Everyday Equality: the handbook

[www.edf.org.uk/PracticalEquality](http://www.edf.org.uk/PracticalEquality)

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The handbook is arranged in four main sections:

- **Is it discrimination?** This includes practical tips and tools for identifying discrimination.
- **Solving problems with equality rights.** This includes practical tips and tools to help advisers use equality rights to solve everyday problems in welfare benefits advice in a practical way.
- **Managing discrimination advice.** This includes a guide to managing and improving the delivery of discrimination advice.
- **Showing the equality impact of welfare benefits advice.** This includes an introductory guide to show how you can demonstrate the equality impacts of the welfare benefits advice you deliver, using the Equality and Human Rights Commission (EHRC) Measurement Framework.

The handbook also contains:

- **An A to Z about equality.** A plain English A to Z glossary of all things equality related, including legal terms and concepts.
- **Case studies.** There are six practical case studies about using equality rights to solve problems in welfare benefits advice, including example letters and responses, and three short policy case studies focusing on the equality impacts of welfare benefits rules.

# Everyday Equality: the handbook

[www.edf.org.uk/PracticalEquality](http://www.edf.org.uk/PracticalEquality)

## **SOLVING PROBLEMS WITH EQUALITY RIGHTS**

- > About this section

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- > How equality rights can help you solve problems in welfare benefits advice

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- ✓ Practical tools to help you use equality rights

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This section contains an outline template letter to make a complaint to the DWP and raise Equality Act issues.

[You may also want to see our discrimination interview checklist.](#)

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## **AN OUTLINE TEMPLATE LETTER TO MAKE A COMPLAINT AND RAISE EQUALITY ACT ISSUES**

[Download this template letter \(Word doc.\).](#)



# Everyday Equality: the handbook

[www.edf.org.uk/PracticalEquality](http://www.edf.org.uk/PracticalEquality)

## **A-Z OF EQUALITY RIGHTS**

[A1P1 / Article One of the First Protocol](#)

[Age discrimination](#)

[Article 3 of the European Convention on Human Rights: Freedom from torture and inhuman or degrading treatment](#)

[Article 6 of the European Convention on Human Rights: right to a fair trial](#)

[Article 8 of the European Convention on Human Rights – right to respect for private and family life](#)

[Article 14 of the European Convention on Human Rights – non-discrimination](#)

[Burden of proof](#)

[Comparator](#)

[Compensation and other remedies in discrimination claims in the County Court](#)

[Compensation, special payments and the financial redress scheme of the DWP](#)

[Making a Complaint to the DWP](#)

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## Projects to spread learning and ideas:

- Rossendale & Hyndburn CA  
Welfare Equality & Transformation Project
- In the pipeline? new Practical Equality Rights handbook

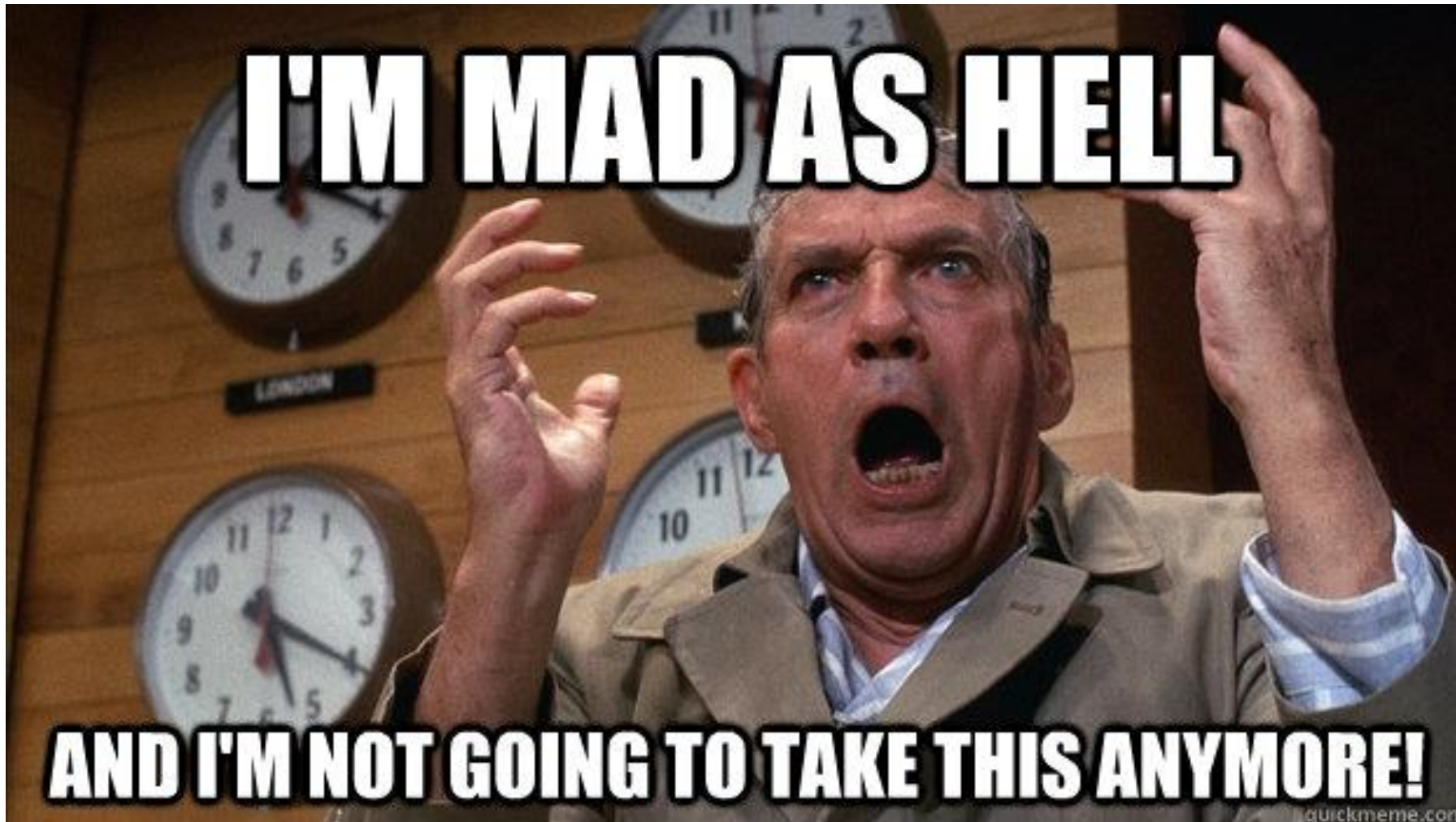


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## **Legal Casework to challenge and inspire:**

- Funding for discrimination casework is limited or non-existent
- Legal Aid is limited to a very few firms and representation subject to tight merits test
- Costs risks for clients and/or restrictions on claiming costs
- So, why are we doing this?

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## **Legal Casework to challenge and inspire:**

### **A few case studies to demonstrate**

- Reasonable Adjustments
- Harassment
- Using Small Claims
- Changing poor practice through challenge
- Forcing systemic change?

# Equality and Human Rights Commission



- Support and advice for practitioners
  - Funding strategic casework
  - Funding legal support 2018 (now ended)
- <https://www.equalityhumanrights.com/en/legal-casework/legal-support-project-helping-people-get-legal-assistance>

# Equality and Human Rights Commission

## **Legal Aid for victims of discrimination inquiry**

Online survey has wide scope

<https://www.equalityhumanrights.com/en/inquiries-and-investigations/legal-aid-victims-discrimination-our-inquiry>

- For individuals: anyone who has experienced discrimination in England or Wales since 1 January 2017
- For organisations who give advice and assistance about discrimination problems
- Questions about CLA, EASS, Citizens Advice, other advice agencies

# Thank you

EDF would like to thank the Equality and Human Rights Commission who funded the Everyday Equality project through their grants programme.





# Thank you!

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