

Networking...

The national voice of Law Centres

All Change

Our last issue of Networking was in May and much has happened since then. In May, Law Centres joined in a week of action on the proposed legal aid reforms, demonstrating outside County Courts (see below). Bury Law Centre joined with other Greater Manchester Law Centres and organised a march and a demonstration outside the immigration appeal tribunal offices. In July many Law Centres participated in an open day to highlight the impact of the changes to legal aid.



Law Centre workers joined advice agencies outside of Central London County Court in May

May also saw a change of Prime Minister. The resulting reshuffle has led to a change of personnel at the head of the now Ministry of Justice, including a new minister with responsibility for legal aid, Lord Hunt. Indications are, at least for now, that the Government is holding the line on the proposed legal aid changes. Fixed fees will still go ahead in October this year, followed by



Steve Hynes, LCF Director

competitive tendering in 2009. LCF and the other representative organisations are in the process of negotiating the transitional arrangements. A version of the proposals appears on the LSC website, but it should stressed this has not yet been finalised.

LCF is holding a General Meeting on 17th September (see page 8) and amongst other agenda items we will be discussing the legal aid campaign. The meeting will be an opportunity for Law Centres to exchange information and views on what is happening. Please ensure that someone from your Law Centre attends the meeting .

LCF on the Move

Hopefully you will have noticed by now, LCF has moved offices. After 20 years based at Duchess House we moved to new premises in June at Kentish Town. Sorry if you had any problems contacting us, we had a few glitches mainly with our emails (hint-never trust BT to install a broadband line when they say they will or to get it right when they eventually do!), but all is well now.

Law Centres Federation

Third Floor
293-299 Kentish Town
Road
London NW5 2TJ

Tel: 020 7428 4400

Fax: 020 7428 4401

E-Mail: info@lawcentres.org.uk

Web: www.lawcentres.org.uk

Contents

Director's Report	1
Legal Services	2
Law Centre News	5
Public Legal Education	8
Single Equality Bill	9
Tribunals, Courts & Enforcement Act	10
Disability News	11
Mental Health Act	12
Housing News	13
Immigration News	15
Welfare Rights News	17
The Third Sector	18
Shorts	19
Funding News	20
Conferences, Training, etc	22



Despite the disruption caused by the move the LCF staff have managed to keep the show on the road, assisting Law Centres with their applications to the Big Lottery Advice Plus Fund and London Councils, supporting Law Centres in preparing for the introduction of fixed fees as well as continuing our policy and campaigning work. LCF, along with a number of Law Centres, were successful in our bids to Advice Plus and there is news inside of the successful bids to London Councils.

Goodbye

This will be my last article for "Networking" as I am leaving LCF to join the Legal Action Group at the beginning of September. I have very much enjoyed working at LCF and I don't really feel like I'm leaving completely because of the good links both Law Centres and LCF have with LAG. I'd like to thank both the staff and the Executive Committee members I have worked with while at LCF.

In publicly funded legal advice services we have always had our struggles with government for decent laws and for proper funding for services. Despite its frustrations, and there have been a few particularly recently, the work of trying to empower the poor and disadvantaged through the use of the law continues to be hugely satisfying. Above all it is right and therefore worth the struggle. So it is not so much good bye, but au revoir from me!

Steve Hynes
Director
Law Centres Federation

We shall all miss Steve very much....

The LCF is employing an Interim Manager, Devi Clark a consultant from Community Innovations until December. Devi will start mid-September and can be reached using Steve's old telephone number and email address.

We are sorry to let you know that our Administrator, Michele Morgan left the Federation at the end of August. We have a temporary Administrator; Sarah Mills who we hope will be with us until we recruit a permanent worker. Sarah will be handling all the conference bookings, etc.

Legal Services

Debate in Westminster Hall

The impact of the Carter Proposals for legal aid were debated on 12th July. It was introduced by Alan Beith, chair of the Constitutional Affairs Select Committee, and centred on the Committee's Third Report on legal aid and the Government's response. The debate was well attended. Unfortunately, as the debate was held in the House of Commons, the new Legal Aid Minister, Lord Hunt of King's Heath was unable to attend to answer questions. Another new Minister at the Ministry of Justice, Maria Eagles MP was there however to respond to contributions from the floor.

Kate Hoey, MP for Vauxhall pointed out the particular difficulties facing London. She said, 'I am distressed to discover that as an MP for an inner-city seat, where I rely so much on the valuable work done by my Law Centre and the many solicitors' firms that work in legal aid, I will end up representing people who will be affected by the changes without having had a chance, in our democracy, to make my views known through a vote'. She asked, '*I want the Minister to tell us, in particular on the question of London and other inner-city areas, whether she thinksthat she can be absolutely confident that the changes will not affect the most vulnerable.*'

Jeremy Corbyn, MP for Islington North quoted from a letter he had received from Islington Law Centre on the issue of funding, saying, '*While general inflation has risen by 43 % since 1993, legal aid rates have been increased by less than 10%.... as we have not received any inflationary increase from any of our funders, it is a massive struggle every year to maintain our services.*' Mr Corbyn complimented the Law Centre saying, '*The Law Centre is very good and the people there work incredibly hard. Nobody there is particularly well paid and they are totally dedicated.*'

There was very little support for competitive tendering. David Kidney, MP for Stafford said that it was untried and untested. '*It cries out for piloting first.*' He also believed that '*we ought to consider more closely replacing the fixed fees ... with the graduated-fee scheme around which everyone has eventually coalesced.*'

The two opposition spokespeople on legal aid contributed to the debate. Henry Bellingham MP for Norfolk North West (Conservative) referred to the Otterburn report which made clear *'with the large overheads that large firms must carry, they do not necessarily offer the Department better value for money in publicly funded work.'* He added, *'There is no question that in the small market town in East Anglia, there will be a significant contraction in the number of firms supplying legal aid... people will have to travel much further; that is the pattern emerging in many places.'*

David Howarth, MP for Cambridge (Liberal Democrat) spoke about the purpose of legal aid - 'to vindicate rights' and 'equality' - to ensure that people are not put at serious disadvantage in the courts because they are poor. He said that the problem of rising legal aid costs was in the higher criminal courts, where costs per case are rising, child care proceedings and thirdly, the administrative costs of the Legal Services Commission. He also spoke about fixed fees and the problems that are likely to arise: cherry-picking and the undermining of firms specialising in complex cases or clients with special needs.

Government Defeat over Legal Aid Reforms

The Law Society's challenge of the Legal Services Commission's (LSC) right to unilaterally amend the Unified Contract in the interests of its members and those they represent - who have been severely affected by the decisions and timing of their implementation - was upheld on Friday 27th July 2007 by the High Court.

Mr Justice Beatson said that the Legal Services Commission had breached Public Contracts Regulations 2006 and European Law in its reform of legal aid. Changes to the contract should not be made if they would, 'alter the economic balance of the contract to the disadvantage of those who have entered into the Unified Contract or to the disadvantage of some of them'. The judge also noted that any proposed changes should be restricted to those envisaged by the initial White Paper. It is not clear at this stage how this will affect the LSC's proposals on fees and the Judge has granted

the Law Society permission to appeal on the basis of public interest on this point.

Law Society President Andrew Holroyd said, *'this judgment underlines the shortcomings of the LSC's approach to the reforms of the legal aid system. The Law Society is not opposed to reform of legal aid but rather to the way it has been introduced by the LSC. It is a shame that we have had to resort to the courts to address this. We hope that the LSC and Government will now work with us to secure a sustainable future for access to justice through an extensive supplier base of dedicated professionals.'*

The LSC hailed the decision as a victory with the chief executive quoted as saying that the Commission was "obviously pleased" to have confirmation that the new civil legal aid scheme could be introduced in October. So who really won? asked The Telegraph. They advised: *'Follow the money: the Commission was ordered to pay three-quarters of the Law Society's costs.'*

Judicial Review Hearing: Race Equality Assessment Impact

The Government agreed with the Society of Asian Lawyers (SAL), the Black Solicitors Network (BSN) and the Law Society that its legal aid reforms have the potential to impact adversely on black and minority ethnic (BME) communities and legal aid suppliers at the judicial review hearing which took place on the 18th of July. The Government had previously repeatedly refused to carry out a proper assessment of the impact of these proposals on minority communities and the minority lawyers who provide legal services for these communities.

At the hearing, brought by the Black Solicitors Network and the Society of Asian Lawyers with the support of the Law Society, an agreement was reached by consent order. As part of the settlement, the Legal Services Commission committed to undertake a consultation and full cumulative Race Equality Impact Assessment on the principle of Best Value Tendering which will be issued by September, or as soon as practical thereafter, with a 12 week response timetable.

The Legal Services Commission will also undertake a retrospective cumulative Race Equality Impact Assessment on the main reform changes already, or about to be, implemented for the Criminal Defence Service. The Commission agreed to have due regard to the Commission for Racial Equality's code and guidance on conducting Race Equality Impact Assessments.

Sailesh Mehta, Chair, Society of Asian Lawyers said, *'The fact that the cumulative race impact assessment will be retrospective and prospective will allow a full picture to emerge of the devastating effect of the changes. There will be significant reduction in the right to access to justice for black and minority ethnic communities. We will be vigilant in the protection of this important right.'*

Shift away from the private sector

In August, Peter Hain, the Work and Pensions Minister told the Financial Times that large-scale private sector involvement in welfare programmes posed too great a risk of *'creating a monopoly provider on a regional basis'*. Could this be the first sign of the Brown government distancing itself from Tony Blair's pledge of much bigger private involvement in public services ?

Telephone Family Advice Service

The LSC announced in July that Howells Solicitors, Allan Rutherford Solicitors and The Children's Legal Centre had been awarded contracts to provide family advice services via Community Legal Services Direct.

A 12 month pilot will start in the autumn and will help establish what kind of family problems can be addressed over the phone as well as monitoring demand for advice. Where it is not appropriate for clients to receive telephone advice, CLS Direct will refer clients to face-to-face advisors.

Community Legal Advice Services

At the end of August, the Legal Services Commission announced that two new Community Legal Advice services are being planned for Yorkshire; one in East Riding and another for Wakefield.

In East Riding, legal advice providers will work together to create a Community Legal Advice network. Despite having a high percentage of the population eligible for legal aid, East Riding has seen a recent decline in applicants for civil legal aid in contrast to Yorkshire as a region. The Network aims to help people in rural areas overcome barriers to finding the advice they need. The LSC believes that there is currently insufficient supply to meet the needs of local people. The task of getting advice can be made still harder because there are fewer transport links in rural localities.

Meanwhile, in Wakefield with its mixed urban and rural population, demand for civil legal aid has risen by eight per cent in the last year. Discussions are continuing about the best model to meet local needs.

These latest Community Legal Advice announcements follow the launch of the first centre in Gateshead in May. Tenders are currently underway for further centres in Derby and Leicester, and plans are at an advanced stage for a Portsmouth centre and a Cornwall network.

Councillor Olivia Rowley, Wakefield Council's Cabinet member for community safety and cohesion, said: *'We are proud to be one of the first councils in the country to strike up this type of partnership. This initiative will mean that people facing a crisis have a one-stop shop for legal advice instead of having to make appointments with different agencies when they are already feeling overwhelmed with their own problems. It means we can offer practical and cost-effective support to people when they most need it.'*

Councillor Jonathan Owen, policy, performance and partnerships portfolio holder for East Riding of Yorkshire Council, said: *'East Riding is geographically the largest unitary authority in England. Many of its 171 towns and hamlets suffer from severe levels of deprivation and problems of accessibility to services, exacerbated by the lack of affordable public transport. This is an exciting opportunity for the Council to work with the Legal Service Commission to ensure equality of access to a range of publicly funded legal and advice services for our residents.'*

The setting up of Community Legal Advice Centres and Networks will be covered at LCF Annual Conference in November. The LSC expect to have six services operating by April 2008.

All change at the Ministry of Justice

Jack Straw became Secretary of State for Justice and Lord Chancellor on 28th June. Lord Hunt of Kings Heath moved to the Ministry of Justice taking over responsibility from Vera Baird QC for legal aid. He previously served as a minister in the Department for Work and Pensions and the Department of Health.

The new Shadow Minister for Justice is Henry Bellingham who is MP for North West Norfolk and the Liberal Democrat Shadow Secretary of State is David Heath, MP for Somerton and Frome.

Other changes ...

Baroness Scotland of Asthal made legal history when the new Prime Minister, Gordon Brown appointed her as Attorney General. She is the first female and the first person from an ethnic minority background to assume the post.

The Law Society has a new President, Andrew Holroyd and chair of the Bar is now Geoffrey Vos QC.

Two other recent appointments are solicitor Jane Hickman who has been appointed as a Commissioner at the Legal Services Commission and John Wadham appointed as Group Director Legal of the new Commission for Equality and Human Rights. Jane is a managing partner of Hickman and Rose and specialises in criminal justice and civil law and human rights issues. She will advise the Commission on the strategic challenge of the legal aid reform programme. John was previously the director of Liberty and both have had close links with Law Centres in the past.

Angela Mason retired as head of the Women and Equality Unit in July. Angela was one of the founder members of Stonewall in 1989 and worked on women's rights at Camden Community Law Centre. The Women and Equality Unit is moving to the Department for Work and Pensions and will be part of a new Office for Equality Issues. An interview with Tony Grew can be read in Pink News.

Legal Aid Lawyers of the Year

Cherie Booth QC presented the awards at the 5th Legal Aid Lawyer of the Year awards in July. Winners included Sue Willman from Pierce Glynn in the Immigration category and John Halford from Bindman and Partners in the Social and Welfare category. Jan Luba QC of Garden Court Chambers was named Barrister of the Year. Sue and John both worked in Law Centres and all have close links with Law Centres. Presenting the awards, Cherie Booth stressed the importance of legal aid, saying *'It should be up there among the priorities of government and we have to make sure we keep pushing that case.'*

Law Centre News

Open Days

Law Centres throughout the country held open days on Friday 13th July to discuss with members of the public how the proposed reforms of legal aid will impact upon their services. Under the new framework, Law Centres believe that they will have to dramatically reduce the amount of time that they can spend with each client in order to remain financially viable. Many local legal aid firms face the same problems when the changes come into force on 1st October.

Islington Law Centre said, *'The new funding arrangements will apply nationwide, despite the fact that many people in Islington need to have longer with their caseworker because they don't have English as a first language, or because they have a mental health issue or communication difficulty. Recent research has confirmed that London residents tend to have longer case lengths, because of the mix of the population. Not for profit agencies and some specialist legal aid firms have targeted particularly vulnerable client groups, rather than a high volume of short cases. These are the agencies who will find it most difficult to survive.'*

Bolaji Bishi, Senior Solicitor at Tower Hamlets Law Centre, said *'There is already a serious problem for many people - especially those who are vulnerable - getting access to good quality legal advice at times of need.'*

Networking..

The Government's current proposals, if implemented as planned in October, would make these problems worse very quickly. Many providers of advice will no longer be able to afford to continue to take on complex cases for the most vulnerable in our community. This will seriously reduce people's ability to get access to justice. There is no point in having a legal right if you can't enforce it.'



Tower Hamlets Law Centre banner inviting local people to their Open Day on 13th July.

Law Centre workers and members of their management committees had previously protested against the changes outside local County Courts. The action was taken in support of the Access to Justice's Alliance call for a day of action on 15th May. Law Centres joined clients, community sector workers and members of the legal professions.



Hackney LawCentre



Hammersmith & Fulham Law Centre

The Prime Minister celebrates Streetwise Community Law Centre volunteer as one of his heroes

Patrick Friel from Streetwise Community Law Centre was celebrated in July as one of Gordon Brown's 'heroes' at the launch of his book **Britain's Everyday Heroes**. Patrick is one of thirty three 'heroes' from all over the UK whose commitment to a cause has informed and inspired the Prime Minister.

Patrick Friel, an ex-housing client of Streetwise, and now a management committee member of the Law Centre was selected to tell his story for the book, and when he met Gordon Brown at Number 11 Downing Street. In the book, Patrick describes the support he received from Streetwise, firstly as 16 year old, and again at 18, when he faced housing problems. The book explains: *'The personal, one-to-one support Patrick has received from the staff at Streetwise has been key to his own development and his ongoing commitment to the work.'* Patrick said, *'I'm inspired by the staff, by Elaine and Roselle, and the others. They are really keen, they really go out of their way, put in more hours than anyone would expect and you know they'd take a bullet for those young people. They go to the nth degree whilst also trying to run a service.'* When asked about what motivates him to volunteer on the management committee of the Law Centre, Patrick explains *'Well, I know how much I was helped. I know where I am now, and where I would have been otherwise, so that keeps me going'.*

Gordon Brown reflects in the book that Patrick is *'a perfect example of a great truth: that we all need help at some time in our lives'*. At the book launch, Gordon Brown celebrated the work that Patrick and others do to change lives and build a better society. The Prime Minister thanked the heroes for the *'privilege of talking with you and leaning about your work, your dedication and your achievements. I have learnt much from you, and been inspired by all that you do The book is my way of saying thank you on behalf of our country'*. He said that the people in the book *'represented the best of Britain and should make us optimistic about our future'*. **Britain's Everyday Heroes** is published by Mainstream Publishing and was released on 24th July 2007. mainstreampublishing.com.

Law Centre under water !

The picture below shows the car park at Sheffield Law Centre at the height of the floods on Monday 25th June. The Law Centre itself is on the first floor of the building so there was no damage to our premises but the business on the ground floor was destroyed and two of our members of staff had their cars written off by the flood water.



The river Don burst its banks just after 2.00 p.m. and as the Law Centre is very close to the river staff were able to watch waves of water advancing down the roads. Several staff members were able to leave at about that time, some by wading and some by car. One staff member who lives outside Sheffield was caught up in the flood waters in Brightside on her way home, was forced to abandon her car and was carried to safety by an officer of the local fire brigade.

As people were winched to safety by helicopter from the roofs of nearby buildings only a few yards from the Law Centre a member of the public left his car and attempted to walk to safety and was drowned in the flood water.

Five members of Law Centre staff and two clients were not able to leave safely and ended up spending the night at the Law Centre.

The resulting effect on local small businesses has been devastating with very many not yet reopened after the floods. Roads and bridges have been permanently damaged and there are diversions and roadworks across the city. Although the Law Centre has not been permanently affected, the lift in the building has been written off and at present there is no access to the Law Centre for clients with a mobility impairment or for a member of our

management committee who uses a wheelchair. It may be some months before this is fixed and at present we have made arrangements with other local agencies to use accessible interview and meeting rooms at their premises.

We have had a number of queries for our employment team relating to the practices of their employers following the floods. A number of local businesses have asked staff not to come into work until they are up and running again and are not paying them. Some have asked staff to undertake unpaid overtime to assist in making the premises able to function. Other local advice agencies have had enquires from people who have had their possessions destroyed and have been able to refer them to a local grant scheme who is dealing with emergency requests.

Working with Migrant Communities

Cramped accommodation is causing safety problems for economic migrants while they are being underpaid for the work they do and finding it difficult to take holidays, said Paul Im Thurn, from Carlisle Community Law Centre.

'We have begun to notice an increasing workload from migrant workers running into difficulty with unscrupulous workers and exploitative employers. There have been quite a few instances of four men per room. While it is not unlawful, in many cases, there are issues of health and safety.'

In one case last year the Law Centre helped a group of eastern European migrant workers negotiate a £200,000 compensation settlement with a farmer from outside Carlisle who was refusing to pay them the national minimum wage or to let them take statutory holidays.

Carlisle City Council has allocated £82,000 to the Law Centre, some of which will be used to help migrant workers deal with the problems they are facing. The Law Centre plans to produce plain language information in leaflet and poster form that can be translated into Polish, to be widely circulated in workplaces, libraries and other public buildings.

Paul will be running a workshop about their work with migrant communities at the LCF conference in November.

Carlisle also has a great new website: communitylaw.org.uk.

The Future of Public Legal Education

The Public Legal Education and Support (PLEAS) Task Force launched its report on the future of Public Legal Education on 10th July.

'Developing Capable Citizens: the role of Public Legal Education', calls for a new approach to Public Legal Education (PLE) with the clear objective of increasing the capacity of individuals and communities to deal with law related problems. The report calls for government funding of a new independent PLE centre, which would take responsibility for promoting and improving PLE.

Speaking during the launch, Lord Hunt, Minister for Legal Aid said knowledge about the law can change lives, improve life chances and enable active participation in democracy.

'Public legal education is vital in providing access to justice by making people aware of their rights and responsibilities. It can be a powerful agent of change in the interests of the millions of people and increase public confidence in the rule of law and create safe and cohesive communities.'

'The Task Force has set out the case for increasing the availability of public legal education, developing good practice, improving evaluation, and longer-term funding. I will now discuss with colleagues in government how best we can overcome the obstacles to effective public legal education. If we're serious about tackling inequality, then we all need to provide the right education, information and support at an early stage in appropriate ways.'

Professor Hazel Genn, chair of the Task Force said: *'The legal system exerts a strong influence on people's lives, but many find it confusing, alien and intimidating. People often feel powerless, thinking that as an individual they won't have any chance against their employer, a government department, or a business. This means that every year a huge number of problems go unresolved, or become much more complicated and damaging than necessary.'*

'With a better knowledge of the law, individuals will be able to act more confidently in dealing with issues relating to debt or employment, or in

disputes with landlords, for example, and know where they should go for help.'

The Task Force report gives many examples of successful PLE including the Southwark Preventing Possessions Project run jointly by Southwark Law Centre and Blackfriars Advice Centre, and refers to the Disability Rights Project based at the LCF.

The paper reports:

'The not-for-profit advice sector has a longstanding commitment to user empowerment ...it is not surprising that we have found excellent PLE initiatives among advice agencies and Law Centres. For Law Centres, PLE is also part of their explicit commitment to work with disadvantaged communities.'

A strategy for PLE development will include the creation of a coherent focus and identity for PLE; creation of a practitioner network and an online knowledge bank; development of good practice; evaluation and quality frameworks; PLE pilot projects and research.

The Task force recommends that an independent PLE Centre be set up as a high level strategic body to implement these proposals. This will require funding, and the report argues for five years sustained funding from the Government.

The LCF was a member of the Task Force and the report can be found on the LCF website: lawcentres.org.uk as well as on the PLEAS site: pleas.org.uk. A review of the Preventing Possession Project is also on the LCF website under 'Public Legal Education' in Publications.

LCF General Meeting

17th September 2007 2.00 p.m.

Friends Meeting House, Room 2, 1st Floor
173 Euston Road, London NW1 2BJ

As well as an update on the legal aid reforms there is an application for Full Membership from Birmingham - Money Advice and Grant (B-MAG) and

A Motion on Law Clinic affiliation and an application to affiliate from Kent Law Clinic

Single Equality Bill

In August the cross-party Communities and Local Government Select Committee published a report on the progress being made to introduce a Single Equality Act saying that there must not be any further delays. Dr Phyllis Starkey, chair of the Committee said, *'We call on the government to do still more to tackle unfair discrimination and reduce inequalities, particularly those that are deep rooted and persistent in society...I welcome the creation of the Commission for Equalities and Human Rights but it needs to given the proper legislative support.'*

This followed the publication by the Department for Communities and Local Government of its Green Paper, **'Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill'** in June.

The Commission for Racial Equality have said that they are disappointed about the proposals saying that the proposals for a single equality duty are weak, regress from the spirit of the Macpherson Report, that the consultation lacks any serious discussion of enforcement and that it fails to address access to justice issues.

The 1990 Trust was also disappointed by the proposals, saying that the Government had missed an opportunity to set out arrangements for tackling race discrimination. *'The report represents a light touch approach in tackling discrimination. The failure to put forward robust recommendations designed to reduce levels of racism in the private and public sectors is a major omission within the current Government proposals.'* Kate Jopling of Help the Aged has also said that it was a disgrace that efforts to deliver equality on the grounds of age had been left "lagging so far behind".

The Disability Rights Commission (DRC) notes that there are no substantive proposals for *'improving the present, inadequate system for enforcing and incentivising compliance. The implementation of a strengthened and extended Duty to Promote Equality will make an enormous contribution to the goal of achieving a more equal society. But it would be unwise to rely entirely on this approach - not least because at present there are no plans to extend it to the private sector.'*

Equally, they say that *'it is completely unrealistic to rely on CEHR as the sole effective mechanism for enforcing these hugely important duties. There will inevitably be a limit to the number of cases the CEHR can pursue. Other mechanisms are required to increase access by individuals and groups to maximise the impact of cases. Those at the grass roots, who are most aware of the deficiencies and are most directly affected, must have the means to challenge them.'*

The DRC propose that all discrimination cases should be commenced in the Employment Tribunals. Where the matter does not relate to employment, there should be a designated 'Equality Tribunal'. They recommend that employment tribunals should have the power to recommend to employers changes in their practices to avert future cases of discrimination.

They also recommend that interested parties such as trade unions, should have the power to institute proceedings in their own name, or jointly with individuals where there is a common problem affecting a number of people. This suggestion was rejected in the Green Paper.

A copy of a briefing from the DRC can be found on their website.

Minister for Women

Harriet Harman QC MP is now the Minister for Women. In July, the Minister set out three priorities which are currently out for consultation. These are:

1. Supporting families, particularly as they bring up children and care for older and disabled relatives
2. Tackling violence against women and improving the way we deal with women who commit crimes
3. Empowering black and minority ethnic women to build cohesion within their communities and act as a bridge between communities.

The public consultation is being led by the Women's National Commission which will consult with its members, feeding back views by the end of September 2007. Information about the Commission can be found at: thewnc.org.uk.

Tribunals, Courts and Enforcement Act

The Tribunals, Courts and Enforcement Act received Royal Assent on 19th July. The Act creates a new, simplified legal framework for tribunals. Vera Baird QC when Under-Secretary of State at the Ministry of Justice said that it reflected three key principles in the government's legislative programme '*institutional reform, extending opportunity, and protection for the vulnerable*' and aims to improve the experience of the public in their dealings with legal and quasi-legal problems by improving access to justice and the administration of justice.

The Act:

- * Unifies the tribunal judiciary under a Senior President, allowing tribunal judges to sit more easily in a range of jurisdictions, where appropriate.
- * Changes the existing threshold criteria to allow a more diverse range of applicants to apply to become a judge.
- * Creates a single piece of bailiff law governing the activities of all civil enforcement agents and greater regulation of those agents who are not Crown employees. Bailiffs will have to apply to a judge for a warrant before exercising new powers to forcibly enter homes and recover civil debts. Judicial approval will only be granted as a last resort when all other methods have failed. Judges would consider a range of factors, such as the nature of the debt and the debtors' circumstances, before granting any such application.
- * Enables creditors with claims in the civil courts to enforce their judgements more effectively, but at the same time providing greater assistance for the over-indebted.
- * Provides immunity against seizure to objects which are lent to the UK from overseas to be included in a temporary, public exhibition at a museum or gallery.

The Act follows Sir Andrew Leggatt's recommendation for a single tribunal system. It creates two new, generic tribunals - the First-tier Tribunal and the Upper Tribunal, into which existing tribunal jurisdictions can be transferred. The Upper Tribunal is primarily, but not exclusively, an appellate tribunal from the First-tier Tribunal.

The Act also provides for the establishment of "chambers" within the two tribunals so that the many jurisdictions that will be transferred into the tribunals can be grouped together appropriately. Each chamber will be headed by a Chamber President and the tribunals' judiciary will be headed by a Senior President of Tribunals.

It will also be possible for the Upper Tribunal to deal with some judicial review cases which would otherwise have to be dealt with by the High Court. The Upper Tribunal has this jurisdiction only where a case falls within a class specified in a direction given by the Lord Chief Justice or in certain other cases transferred by the High Court, but it will not be possible for cases involving immigration or nationality to be transferred to the Upper Tribunal

The commencement date is not yet known.

LCF Annual General Meeting

23rd November 2007 at 7.00 p.m.
MIC conference Centre
81-103 Euston Street, London.
(first evening of our Annual Conference)

The AGM is a chance to be elected on to the new LCF Executive Committee. Five places are reserved for Law Centre workers and five for members of Law Centre management committees. There are a further five places for Officers - these can be filled by Law Centre workers or management committee members.

Nominations forms are enclosed and should be returned to the LCF by 18th October together with any Motions that your Law Centre would like to put forward.

Disability News

Court of Appeal ruling gives disabled tenants anti discrimination protection in eviction process

In July the Court of Appeal ruled that local authorities run the risk of unlawful discrimination when seeking to evict disabled tenants who breach their tenancy agreement for a disability-related reason. Mr Malcolm, a council tenant, succeeded in using the Disability Discrimination Act (DDA) to defend himself against a mandatory possession order from Lewisham Council for sub-letting his council home. The Disability Rights Commission (DRC) intervened in the case because of its legal importance.

This case demonstrates the extent to which the premises provisions of the DDA impact upon, and operate within, housing law. Previous cases taken under the DDA had challenged possession orders where the courts had discretion to make an order. This was the first time a case had dealt with a possession order where it was mandatory for the court to make an order.

Mr Malcolm, who has schizophrenia, became a Lewisham Council tenant in January 2002 and had exercised his right-to-buy in March that year. The process of completion was delayed over two years.

In April 2004, it was discovered that Mr Malcolm had stopped taking his medication and a month later he lost his job. It was under these circumstances that Mr Malcolm, in May 2004, asked a lettings agent to sub-let his flat, without having sufficient appreciation of what he was doing and the consequences of his actions. The flat was sub-let in June 2004, therefore breaching his tenancy and losing his security of tenure. In December 2004, Lewisham issued proceedings for possession. However, the court heard evidence that the housing enforcement team were unaware of his mental health problems and that his social worker was concerned about his well being.

Lady Justice Arden ruled that where it is mandatory for the courts to issue possession orders to evict tenants who breach the terms of a secure tenancy agreement, the Council were

also under a duty, under the DDA, to examine whether the breach could be related to a person's disability. If the reason for the breach is disability related, then, unless it can be justified under the DDA, it will be unlawful to evict.

London Borough of Lewisham v Malcolm (DRC: Intervener) [2007] EWCA Civ 763

European Air Rules to protect disabled passengers

The new Regulation, which came into effect on 26th July, mean that for the first time, disabled passengers flying within Europe cannot be refused a flight because of their disability. However, the Disability Rights Commission says that if a disabled person is discriminated against and wants redress, there is no enforcing body, such as the DRC or the new Commission for Equality and Human Rights, to help support their claim.

An additional gap in the new Regulation means that some disabled people aren't protected by the new rules - such as someone with HIV or Tourettes - because they are not classed as disabled. Individuals can face discrimination because of the stigma of their condition.

Dyslexia

The Employment Appeal Tribunal has held that minor dyslexia is disability within the meaning of the Disability Discrimination Act 1995. The EAT ruled that it is the comparison between what the individual can do and would be able to do without the impairment which is important in determining whether someone is disabled.

Patterson v Commissioner for Police for the Metropolis.

Disabled people's experiences of anti-social behaviour

Research has been undertaken for the Disability Rights Commission on disabled people's experiences of anti-social behaviour and harassment in social housing. The report by Caroline Hunter, Nick Hodge, Judy Nixon, Sadie Parr and Ben Willis of the Centre for Educational Research and Social Inclusion at Sheffield Hallam University was published in August.

Key Findings

- * Despite weaknesses in the published studies, there is extensive evidence to show very high rates of susceptibility by disabled people, particularly those with mental health disabilities, to becoming a victim of anti-social behaviour, often as a result of their impairment.
- * Little is known about the impact of the ever increasing number of legal remedies on disabled people living in social housing, although there is reliable evidence which suggests that disabled people living in social housing, particularly those with learning difficulties or mental health problems, comprise a significant proportion of those individuals who are subject to interventions designed to tackle anti-social behaviour.
- * Young people with mental health disorders and learning difficulties may be disproportionately subject to ASBOs, but little robust empirical evidence is available about the context and use of ASBOs in those circumstances.
- * The evidence base as to how social landlords respond to either victims or perpetrators of anti-social behaviour who are disabled is very weak, as monitoring and reporting on this is limited and around half of landlords do not include consideration of disability within their anti-social behaviour policies. Landlords are therefore likely to be unable to evidence whether they comply with their disability equality duty in this area of work.
- * Over half of landlords reported having considered the impact of ss. 22 - 24, DDA 1995 on anti-social behaviour action they were taking more than five times in the previous 12 months. This indicates an awareness of the applicability of the DDA amongst social landlords, and that it is not an uncommon occurrence for landlords to be considering its application. We do not have any evidence, however, as to the proportion of cases to which it is applied or the affect of its consideration.

- * Guidance from central government on the interaction between anti-social behaviour and disability is limited and does not assist social landlords in developing local policies

The research can be found on the DRC website drc.org.uk/library

Mental Health Act 2007

After five years of debate, the Mental Health Act finally received Royal Assent on 19th July. Some of the main changes to the Mental Health Act 1983 Act are:

Definition of mental disorder: it changes the way the 1983 Act defines mental disorder, so that a single definition applies throughout the Act, and abolishes references to categories of disorder.

These amendments complement the changes to the criteria for detention.

Criteria for detention: it introduces a new 'appropriate medical treatment' test which will apply to all the longer-term powers of detention. As a result, it will not be possible for patients to be compulsorily detained or their detention continued unless medical treatment which is appropriate to the patient's mental disorder and all other circumstances of the case is available to that patient. Additionally, the so-called 'treatability test' will be abolished.

Professional roles: it is broadening the group of practitioners who can take on the functions currently performed by the approved social worker (ASW) and responsible medical officer (RMO).

Nearest relative (NR): it gives to patients the right to make an application to displace their NR and enables county courts to displace a NR where there are reasonable grounds for doing so. The provisions for determining the NR will be amended to include civil partners amongst the list of relatives.

Supervised community treatment (SCT): it introduces SCT for patients following a period of detention in hospital. It is expected that this will

allow a small number of patients with a mental disorder to live in the community whilst subject to certain conditions under the 1983 Act, to ensure they continue with the medical treatment that they need. Currently some patients leave hospital and do not continue with their treatment, their health deteriorates and they require detention again - the so-called "revolving door".

Mental Health Review Tribunal (MHRT): it introduces an order-making power to reduce the time before a case has to be referred to the MHRT by the hospital managers. It also introduces a single Tribunal for England, the one in Wales remaining in the time being.

Age-appropriate services: it requires hospital managers to ensure that patients aged under 18 admitted to hospital for mental disorder are accommodated in an environment that is suitable for their age, subject to their needs.

Advocacy: it places a duty on the appropriate national authority to make arrangements for help to be provided by independent mental health advocates.

Mental Health groups have welcomed the compromise amendments from the House of Lords but criticised plans to allow the treatment of patients against their will. Andy Bell, chair of the Mental Health Alliance called on the government to start listening to the people who are affected by the Act when it writes the new regulations and to ensure that sufficient resources are made available to mental health services to implement the changes fairly.

The changes to the Mental Capacity Act (MCA) makes provision for procedures to authorise the deprivation of liberty of a person resident in a hospital or care home who lacks capacity to consent. The MCA principles of supporting a person to make a decision when possible, and acting at all times in the person's best interests and in the least restrictive manner, will apply to all decision-making in operating the procedures.

Mental Capacity Act

The final parts of the 2005 Mental Capacity Act come into force in October when a new Court of Protection, Public Guardian and the Office of the Public Guardian will become operational for England and Wales. This follows the introduction

of independent mental capacity advocates (IMCA), the Code of Practice providing guidance, and the criminal offence of ill treatment and willful neglect - which all came into force in April.

The LCF has organised training on the Mental Capacity Act which will take place on 17th September in Birmingham. See Training on page 22.

World Mental Health Day

World Mental Health Day has been celebrated annually on 10th October since 1992. Every year a different theme is set by the World Federation for World Mental Health Day. The theme for 2007 is 'Mental health in a changing world: the impact of culture and diversity'.

LCF Employment Working Party

The Employment Working Party met for the first time for a long while in June. The new convener is Philip Tsamados, employment worker at Central London Law Centre. The meeting focused on the DTI's consultation on the Statutory Dispute Resolution Procedure and the Gibbons Review.

The next meeting is taking place at Camden Community Law Centre on **7th September** at 2.00 and will be looking at the

We will be looking at forthcoming legislation

A copy of the LCF DTI response is on the LCF website. If you would like to know more about the Working Party, contact Philip on 0207 839 2998.

Housing News

There has been a flurry of consultation papers this summer ! First there was the consultation on tribunals, followed by responsible letting and more recently tolerated trespassers.

Law Commission consults on role of Tribunals in housing disputes

Following on from last year's consultation, this new consultation argues that where housing disputes need formal adjudication they should be moved from the generalist county court to a specialist adjudicatory body.

The consultation proposes that:

- * Claims for possession and disrepair of rented dwellings should be transferred from the county court to the Residential Property Tribunal Service (RPTS), on the assumption that the RPTS will be incorporated into the First-tier Tribunal to be created by the Tribunals, Courts and Appeals on a point of law from the First-tier Tribunal should, with permission, go to the Upper Tribunal.
- * Homelessness statutory appeals currently heard by the county court, and housing and homelessness judicial review applications, (currently made to the Administrative Court), should be transferred to the Upper Tribunal.

It notes the fears of many respondents that a transfer of housing cases to a housing tribunal would involve the loss of legal aid. It notes that the future of legal aid is currently very uncertain. It proposes that legal aid should continue to be available in those cases for which it is currently available, while noting that the principles on which legal aid is granted may change.

Although the paper claims at one point that the Law Commission would not support the transfer of jurisdictions proposed unless legal aid was available in the First-tier and Upper Tribunals, the Paper fails to confront the real possibility that a transfer of jurisdictions could be followed by a reduction in legal aid availability, particularly in the First-tier Tribunals.

The extent of support for the Commission's proposals is not clear. The paper notes that those who responded to the previous Issues Paper did not come out strongly in favour of any major change to current arrangements.

Moreover, the Commission assumes there will be no significant increase in the public funds available for the resolution of housing disputes, whilst almost all respondents to the Issues Paper, said they thought that further resources needed to be put into the housing dispute resolution system, either into the courts, or into the provision of advice and representation, or both.

The deadline for responses is 28th September.

Encouraging Responsible Letting

A further consultation from the Law Commission published on 12th July proposes a scheme of enforced self-regulation. The closing date 12th October 2007.

Tolerated Trespassers

On 20th August, a Consultation was published by the Communities and Local Government Department. In summary the Department says, 'Many thousands of social tenants, both local authority and Registered Social Landlord (RSL) tenants, have become 'tolerated trespassers', seriously affecting their rights and causing practical difficulties for their landlords. Many tenants - and even landlords - may not even be aware of this. This paper looks at options for remedying the situation both in the future and for existing tolerated trespassers'

Closing date for comments: 2nd November 2007

All of these consultations are available to housing workers on the LCF website.

High Court clarification of 'Rent Payable'

On 20th July, Southwark Law Centre won their judicial review on the calculation of disposable income. Mr Justice Collins ruled that the Legal Services Commission (LSC) acted unlawfully in their interpretation of the phrase "rent payable" in assessing eligibility for legal aid under Regulation 24 of the Community Legal Service (Financial) Regulations 2000.

Mr Justice Collins said that both claimants were occupants of council properties who had failed to pay rent and were facing eviction. In each case, solicitors or legal representatives had granted legal representation. When the necessary funding was sought, it was denied by the Legal Services Commission which took the view that each client's disposable income exceeded the level which entitled them to public funding. In each case, the Commission's decision was based on its contention that, in assessing the amount to be deducted from gross income in respect of the cost of accommodation, it was appropriate and accorded with the 2000 Regulations to take into account the amount actually paid in respect of rent or charges for such accommodation rather than the amount payable.

The draftsman of the regulations was obviously aware of the difference between "payable" and "paid". He deliberately used the word "payable" in regulation 24(3). Mr Justice Collins said: *'If only what had been paid during the relevant period could be deducted from gross income, many would be unable to qualify although it was clear that they could not fund any legal representation.'*

His Lordship said further that he did not accept that the words 'or such part of it as was reasonable in the circumstances' enabled the Commission to take into account only what was paid. Unless there had been some deliberate action caught by regulation 12, what was payable and not what had been paid must be taken into account.

Law Centre client, Miss Lewinson commented: 'I do not want to think about what would have happened to me and my daughter (then aged 3) had I not been to Southwark Law Centre. I approached them in desperation just before I was due to be evicted as I was given only two working days plus the weekend to pack my things. There seemed to be no way out of my financial problems. Without the Law Centre we would have been homeless and I could have lost my job. The Law Centre has not only enabled me to keep our home. Their excellent advice including debt advice has encouraged and enabled me to turn my life around. I have repaid almost all of my debts including my rent arrears, and never plan to go down that road again. I will be forever grateful to the Law Centre.'

The case was reported in The Times on 20th August and a briefing on the case has been published by the Advice Services Alliance.

Stop Press!

The LSC issued a Press Release entitled, 'Big Brother - eviction is no cause to celebrate' on the day of the big eviction at the Big Brother House on 31st August. 'Over the last few weeks more than 20 people have passed through the Big Brother house. Some have chosen to leave, but the majority have been 'evicted'. However, eviction is not entertainment for thousands of people across England and Wales, who have been forced out of their homes.' The LSC believed that it was a timely opportunity to let people know how to get help for such problems from legal aid services.

Immigration News

Amnesty for illegal workers

The Institute for Public Policy Research (IPPR) has called upon the new Home Secretary, Jacqui Smith to allow almost a half a million people who are currently living illegally in the UK to stay in Britain and pay taxes. The plan was backed by Alan Johnson and Harriet Harman during Labour's Deputy Leadership campaign.

IPPR argues that with compulsory biometric ID cards for foreign nationals to be introduced next year and with tighter border controls, then :

- * Irregular migrants who are already in the UK should be eligible to apply for temporary work permits and issued with an ID card.
- * Those who show they have been working and contributing to the UK would be issued with a two year temporary work permits, and their families will be allowed to remain with them.
- * These permits could be renewed under the new point-based system, with extra points awarded to those who can show that have been in the UK for a long period.
- * There should be a requirement to learn English for renewal of the permit and no-one convicted of an offence would be eligible.

IPPR research has produced a fact file called **'Irregular Migration in the UK'** which can be found on their website ippr.org.

Highly Skilled Migrant Programme

The Joint Committee on Human Rights reported in August that the plans to change immigration laws for skilled migrant workers breaches European rules on human rights. In 2006 the government increased the amount of time a worker had to be a resident before they could qualify for an extension of leave from four to five years. They said that 'this was "clearly incompatible" with the right to respect for home and family life as contained in article eight of the European Convention on Human Rights.'

The report said that under the new rules, as many as 90% of the 49,000 given leave to remain since 2002 may not be able to stay when their leave expires.

Accreditation Scheme

The Office of the Immigration Services Commissioner (OISC), the Solicitors Regulation Authority (SRA) and the Legal Services Commission (LSC) have agreed a new approach to the Immigration and Asylum Accreditation Scheme (IAAS) which aims to clarify the roles of the regulatory bodies and the LSC.

From 1st October, the LSC will require all advisers to be accredited to an appropriate standard under IAAS and to be registered with the relevant regulatory authority for inclusion on their respective lists (SRA Register of Accredited Representatives and OISC list/register of regulated advisers). The SRA has taken on the administration of all applications for registration as a probationary immigration and asylum caseworker for LSC contract purposes and maintains the register of solicitors and their employees who have completed the accreditation assessments.

Unaccompanied Asylum Seeking Children

In June, the Border and Immigration Agency made a commitment to keeping children safe from harm with the announcement of an overhaul of the Agency's policies concerning children. The Home Office issued a consultation 'Planning Better Outcome and Support for Unaccompanied Asylum Seeking Children' saying that a new amendment to the UK Borders Bill will for the first time place a legal obligation on the Border and Immigration Agency to keep children safe from harm. 'The Agency will have a duty to have regard to a new statutory Code of Practice when dealing with children as it carries out its immigration functions.'

There have been criticisms of the proposed changes. The Medical Foundation for the Care of Victims of Torture says that they will 'increase instability for our clients and interfere with their ability to come to terms with their experiences'.

They report that the measures the Government wants to introduce to care for some 3,000 new cases each year include dispersing young asylum seeking children, at present largely looked after in the South East and several other major cities, into the care of councils around the country. Foster care arrangements could also cease when a teenager reaches the age of 16, in favour of other types of support such as shared housing.

Syd Bolton, the Legal and Policy Officer at the Medical Foundation says, 'It is our central concern that under the model, children will be inadequately assessed and their needs as children and adolescents who have experienced torture and organised violence will not be properly address by statutory agencies.' There are concerns as to whether some councils will have the necessary expertise and commitment to cope with their new charges, and whether there are sufficient lawyers around the country to provide young asylum seekers with necessary legal advice.

The proposal suggests that X-rays and dental checks are used as ways of determining the age of asylum seekers accused of being adults claiming to be teenagers to prolong their stay in the UK. Discretionary leave to remain for those whose asylum claims have failed but who can't as minors be returned to their countries of origin could be scrapped for those aged 16 and over. Children from certain countries of origin, regardless of age, may be forced to return home.

The Medical Foundation believe that the proposals 'will not provide the conditions for "better outcome" for our clients, but they will increase the risk that torture surviving children and young people will not be identified, will not be referred to - nor have access to - timely, appropriate treatment, and will not be afforded the degree of protection they need, and is required by international human rights and domestic children's laws.'

The LSC report that they will be inviting tenders for services for unaccompanied children seeking asylum and advice at the ASU (Asylum Screening Unit) in the autumn.

Forced Marriages

The Forced Marriage (Civil Protection) Act 2007 received Royal Assent in July. Under the Act the courts will have the power to make Forced Marriage Protection Orders to stop someone from forcing another person into marriage. 'The courts will have a wide discretion in the type of injunctions they will be able to make to enable them to respond effectively to the individual circumstances of the case and prevent or pre-empt forced marriages from occurring.' The courts will also be able to attach powers of arrest to orders. People will be able to apply for an injunction at the county courts, rather than just the high courts and the Act will enable third parties to apply for an injunction on behalf of somebody else.

A new Survivors' Network has been developed in partnership with Kama Nirvana, a forced marriage NGO which has received £30,000 from the Forced Marriages Unit.

Costs

New regulations came into force on 30th April giving judges the authority to make a costs order for work that representatives have done preparing for a reconsideration that has been ordered but does not proceed.

The CLS (Asylum and Immigration Appeals) (Amendment) Regulations 2007

Case Resolution

In July 2006, the Home Office announced that all asylum cases outside of the New Asylum Model would be resolved by June 2011. These cases once known as legacy cases are now called case resolution and are being dealt with by the Case Resolution Directorate at the Border and Immigration Agency. The Refugee Council reports that on 2nd July, the Home Office sent out 6,000 letters and questionnaires to families with children. The Home Office has warned that this is not an amnesty. On the Home Office website they advise that those in receipt of a letter should seek legal advice.

For further information visit the Refugee Council's website refugeecouncil.org.uk/policy/briefings/2007 and look for 'Case Resolution Update' August 2007. The briefing has links to the relevant pages of the Home Office website.

Immigration: Law Centres protecting Fundamental Rights

Law Centres Federation
Annual Conference 2007
23rd and 24th November 2007

MIC Conference Centre
81-103 Euston Street
London NW1

Guest Speakers include
Lord Hunt of Kings Heath OBE
Minister for Legal Aid, Ministry of Justice
Shami Chakrabarti, Director of Liberty
Andrew Holroyd, President, Law Society

There will be lots of workshops on asylum and immigration work as well as sessions on legal services issues, such as the development of Community Legal Advice Centres and Networks.

Booking Fee: £130.00 for two days. £65 for one day. *Book by 12th November to reserve your place*

Welfare Benefits News

Council tax benefit should be paid automatically to low-income groups

A report by the cross-party Communities and Local Government Committee warns that the present council tax benefit system is flawed because people only receive it if they make a claim.

It says it should be paid automatically through the tax system. An estimated £1.8 billion a year in council tax benefit currently goes unclaimed. The report says the rules surrounding the benefit are so restrictive that 600,000 children living below the poverty line are residing in households that are not eligible for it.

Committee chair Dr Phyllis Starkey MP said: 'It is unacceptable that a significant number of households in poverty do not qualify for any reduction in council tax. We call on Government to urgently review its rules governing council tax benefit eligibility and entitlement to reduce the burden on low-income households.'

Integration Loan Scheme

The Integration Loans for Refugees and Others Regulations 2007 came into force on 11th June 2007 and provides a new interest free loan scheme to help refugees and others integrate into society in the UK after that date. The Home Office/Border and Immigration Agency (BIA) and the Department for Work and Pensions (DWP) are jointly administering the scheme. Only those people granted leave to enter or remain in consequence of refugee status or humanitarian protection on or after 12th June 2007 will be able to apply for an Integration Loan.

The maximum loan awarded is capped at £1,000 and the minimum is £100. DWP will handle payment and recovery of the loan. If the refugee is in receipt of certain benefits, DWP will recover the loan by taking deductions from these benefits.

A copy of the Home Office policy is on the Members' site of the LCF website.

The Third Sector

Government Strategy

The Department for Communities and Local Government (CLG) has launched a consultation called '**Third sector strategy for communities and local government**'. The consultation document published in June outlines proposals for bettering the Communities and Local Government engagement with the sector by:

- * Improving how we work with the sector.
- * Enabling the sector to be an effective local partner in place shaping.
- * Moving to a more strategic partnership and funding relationship with the sector.
- * Supporting sustainable investment in community anchors.

The Department wants to develop their network of strategic partners to advise them and provide effective links between national and local action on our priorities, ensuring the voice of smaller organisations are heard.

This would include developing (subject to the outcome of CSR07), a new Strategic Partners Grant Programme. The Department intend to re-focus their special grants programme on providing core 3-year funding certainty for Strategic Partners via a bidding round and encourage the pooling of small grants programmes to the third sector, through the Strategic Partners arrangement. 'We believe this would provide greater certainty, efficiency and the potential to develop deeper relationships.'

They are especially keen to receive responses from third sector organisations and local government. The full consultation paper is available on the Communities and Local Government website. Responses are invited until 20 September 2007. Their final strategy will be published late autumn.

Future role of the Sector

In July, the Treasury and the Cabinet Office published their final report on '**The future role of the third sector in social and economic regeneration**'. The report outlines some important developments in the Government's approach under three cross-cutting themes. It sets out a series of measures to build on the government's partnership with the third sector and feed into the 2007 Comprehensive Spending Round, under five key headings including:

Enabling voice and campaigning

A new focus on enabling the third sector's role in campaigning and providing a voice for many vulnerable groups, including investment in innovative consultation approaches, work to protect the right of organisations to campaign and mechanisms to ensure Ministers hear the views of third sector organisations on policy.

Strengthening communities

A new £50m local endowment match fund enabling local independent foundations to develop community endowments to provide sustainability in future grant making, building on the £80 million small grants programme for community action and voice announced in the 2007 Budget.

At least £10 million of new investment in community anchor organisations and community asset and enterprise development, building on the £30 million Community Assets Fund announced in the 2006 Pre-Budget Report.

£117m of new resources for youth volunteering, building on the work of v, alongside other volunteering programmes.

Transforming public services

Building capacity of third sector organisations to improve public services, through the Futurebuilders Fund, training for public sector Commissioners and work to build the evidence on opportunities for the third sector.

Supporting a thriving, healthy third sector

Better mechanisms to drive best practice in funding the third sector, including in the expectation that when Government Departments and their agencies receive their 2008-11 budgets, they will pass on that three year funding to third sector organisations that they fund, as the norm.

A new programme to build the third sector evidence base, including £5m on a new national research centre.

A new third sector skills strategy

Over £80 million of new investment for third sector infrastructure development through Capacitybuilders, with new programmes on voice and campaigning, social enterprise and a focus on reaching down to the smallest community groups. There will be continued focus on the Compact as a means to build the relationship between the third sector and all levels of Government.

Stuart Etherington, Chief Executive at the National Council for Voluntary Organisations (NCVO) said:

'The final report from the Third Sector Review demonstrates a significant shift in the Government's approach to the voluntary and community sector. The report shows a much deeper understanding of the sector, not simply

focusing on the sector's role in service delivery, but recognising the need for a more holistic outlook, which values our independence.

'The focus on campaigning is particularly welcome, since this is at the heart of many voluntary and community organisations' work. We particularly support the renewed recognition of the Compact's importance in asserting organisations' right to campaign and the focus on improving consultation with the sector.

'We also welcome the commitment that the Minister for the Third Sector will report annually to the Chief Secretary to the Treasury and the Chancellor of the Exchequer on progress on building three year funding relationships.

'The key challenge for the Government now is to implement the Review. The Office of the Third Sector has a significant task in ensuring that all departments understand the Review's proposals and implement its recommendations. This must go beyond simply seeking to work with voluntary and community organisations to deliver public services and recognise the sheer diversity of the sector and the way that it works.'

Shorts

Promoting Community Cohesion

From 1st September all schools in England will have duty to promote community cohesion. Schools Minister, Jim Knight said:

'Every school, whatever its intake and location, is responsible for ensuring that our children and young people are educated about the diverse make up of British Society and in particular its diversity in terms of socio-economic backgrounds, cultures, ethnicities, religions and beliefs and from this September schools will be required, for the first time, to show real evidence of what they are doing to promote community cohesion.'

Ofsted will be including community cohesion as part of its inspection criteria from September 2008.

Civil Partnerships

In July, the Law Commission proposed that any couple who share a child or have been living together for more than two years would be entitled to make a claim over assets on separation. They said that gay and lesbian couples are missing out because the law at the moment is complicated and unclear. The Law Commission proposed that there would be no principle that assets be divided equally or any ongoing maintenance payments. Contribution to the relationship would determine if assets should be shared.

Research on Poverty

The Joseph Rowntree Foundation published research in July on 'Poverty, Wealth and Place in Britain 1968 to 2005'. The report found that households in already-wealthy areas have tended to become disproportionately wealthier and that many rich people live in areas segregated from the rest of society. At the same time, more households have become poor over the last 15 years, but fewer are very poor. Michael Orton one of the researchers on 'Public attitudes to economic inequality' published at the same time said, *'There is evidence that a high level of inequality may cause real socio-economic problems.*

Acceptable Behaviour Orders

ASBO's are now falling out of favour. The Home Secretary has asked the police and councils to make more use of Acceptable Behaviour Orders (ABCs) and voluntary agreements. Guidance for the use of ABCs was issued at the end of August.

Liberty Advice Service

Liberty has contacted the LCF to remind us about their Voluntary Sector Human Rights Advice Service: Helping you help Others. The service assists those working in the sector to better understand the implications of the Human Rights Act 1998 for their service users. Liberty have previously provided advice to a wide range of organisations from small community groups to national charities.

Law Centres can access the service via the helpline: 0845 122 xxxx and their advice request forms are available at: yourrights.org.uk/VAS. A leaflet is enclosed.

Checking right to work in the UK

A new website aimed at employers: employingmigrantworkers.org.uk takes them step-by-step through the procedure for checking that job applicants are entitled to work in the UK, including explanations of acceptable documentation. To avoid allegations of racial discrimination checks should be carried out for all potential employees, and must be done before the person is employed.

From 2008, rules on people from outside the EU working in the UK will be tightened, so employers who are not currently carrying out checks should start doing so now. Under the Immigration, Asylum and Nationality Act 2006, it will no longer be enough for the employer just to check and keep a copy of the employee's passport or other relevant documents at the beginning of employment. If a person has limited leave to remain in the UK the checks will have to be repeated, and the employer will have to take action if they become aware at any stage that a person is working illegally. It will become a criminal offence knowingly to employ a person who does not have the right to work in the UK.

Funding News

Big Lottery Funding Successes

The Big Lottery announced in June that eight Law Centres had been successful in obtaining funding under the First Round of Advice Plus. In total, Law Centres received £2,788,769 over three years. The successful applicants were Bradford Law Centre, Coventry Law Centre, Isle of Wight Law Centre, Nottingham Law Centre, Rotherham Law Centre, Saltley & Nechells Law Centre, Springfield Advice and Law Centre and Tower Hamlets Law Centre.

A date for the launch of Round Two has not yet been announced. The Big Lottery have also announced that Advice Plus has now been reduced from three rounds to two, but with the same £50m budget, in light of the very high demand experienced during Round One

London Councils Funding Successes

LCF recently heard about some great funding successes in London. These are:

Streetwise Led South London Bid: Awarded £133,969 a year for 4 years: covering: Bromley, Croydon, Sutton, Merton, Kingston, Richmond, Wandsworth, Lambeth, Southwark, Lewisham, Greenwich and Bexley. Partner Law Centres are based in South London

Tower Hamlets Led North London Bid: Awarded £137,009 a year for 4 years covering Barnet, Enfield, Haringey, Camden, Islington, Hackney, Tower Hamlets, Newham, Waltham Forest, Redbridge, Barking and Dagenham, Havering. Partners are based in North and East London.

The bids will basically fund the equivalent of between 6 and 7 full time equivalent housing workers - who will offer casework and one off advice to young homeless people across these 24 boroughs. The projects will follow the Streetwise and Streetlegal models; i.e. partnerships with local youth agencies (Connexions, colleges, youth centres), involving; Law Centre staff training youth workers in young people's rights and how and when to refer, and setting up outreach sessions in youth venues. Plus all the benefits of a holistic service, i.e. Law Centre staff will be able to refer young people to in-house experts on education, immigration, community care, benefits, etc., if necessary, and the youth agencies will be able to offer referrals to counselling, drug/alcohol/sexual health services, etc.

The total amount raised is: £1,083,912.00. We asked for nearly double this - but hey. There was the possibility of a West London bid, but this was not as well developed - but we'll consider this in future.

We are really pleased because these bids will:

- a) Sustain some of the brilliant work already done by Streetwise, Streetlegal, Kingston and Richmond, Thamesmead, Hackney, Tower Hamlets in offering dedicated young people's services.

- b) Allow other Law Centres to really develop their work with young people.
- c) Show the link between legal advice and reducing homelessness, and the importance of targeted services for young people.
- d) Provide a model of partnership working between Law Centres.

Let me know if you need more info.

Mandy Wilkins, Young People's Project Manager
mandy@lawcentres.org.uk Tel: 020 7428 4419

Finance Hub

The Finance Hub is about developing financial sustainability in the Third Sector. 'We are addressing finance matters in the Third Sector through the delivery of an integrated programme of research, development, training and information dissemination'. A useful site to have a look at. It includes funding fundamentals such as guides to grants, donations, loans and trading. Visit: financehub.org.uk.

Full Cost Recovery

The National Audit Office has carried out a review on the progress government departments have made in ensuring that third sector organisations are fully paid for the services they deliver. They found that departments had difficulty in translating the principles into practice. The NAO recommends that the Office of the Third Sector and HM Treasury develop more sophisticated statements on full costs recovery that reflect funders' responsibilities for fair treatment and risk management.

There is a new section on Finance and Funding on the LCF website in the Members' site under Policies and Procedures, where you find useful papers to download including guides to full cost recovery.

Policy and Procedures also contains a section on Legal Structures which includes Mergers, Community Interest Companies and Social Enterprises and Trading. There are lots of links that should help if you are considering any of these issues.

Some Press Coverage

The LCF and Law Centres have been in the press quite a lot over the last few months. They are all available on the LCF website under 'Publications' and then select 'Articles' on the right hand side.

Steve Hynes our Director has written two articles for Legal Action. 'Legal Clinics in Ontario' was published in July and describes the similarities and differences between Law Centres in the UK and their counterparts in Ontario. In June, Steve and Paul Draycott wrote 'Extending Legal Aid to Tribunals.'

The Socialist Lawyer published a whole feature on legal aid in July. An article about the history of legal aid was written by Jamie Ritchie from Brent Community Law Centre and Clara Connolly from North Kensington Law Centre and Kathy Meade from Hackney Community Law Centre wrote an article about Law Centres.

There was also article about Law Centres, 'Timed Out' which was published in the Guardian Society pages on 8th August.

If you have written any articles or issued a press release, please let Lynn know at the LCF.

Thanks

Conferences

Welfare Reform: Whatever Next ? CPAG's Annual Conference taking place on 6th September at the Resource Centre in Holloway Road, London. £85.00. Details on CPAG website: cpag.org.uk.

Joint National Pro Bono Conference 'Partnership in Pro Bono' taking place on 17th November at QEII Conference Centre in London. Two workshops are being moderated by Law Centre workers, 'Hard Issues' is being moderated by Bob Nightingale, currently Director of South West London Law Centres and 'Partnering with the Voluntary Sector' by David Wildman from Bury Law Centre. Information at: probonouk.net. Fees £105 or £75 if booked before 5th October.

BMER Women: The Law and Violence - Where's the Justice ? Conference organised by Rights of Women on 26th September. The conference for women will examine recent and forthcoming laws affecting domestic violence and sexual violence and abuses predominately experienced by BMER (Black Minority Ethnic Refugee) women and women seeking asylum such as forced marriage, honour crimes and trafficking. It takes place at Hamilton House in London. Fee for Law Centres is £100.00. Price includes a copy of Rights of Women's publication, '**Pathways to Justice: BMER Women, Violence and the Law**'.

Contracted Advice Agencies Network Annual Conference taking place on 27th November at the Holiday Inn in Birmingham. Carolyn Regan, Chief Executive of the LSC will provide the opening speech. Carolyn Regan will join Richard Miller (now Head of Legal Aid at the Law Society), Phil Jew (AdviceUK) and Steve Hynes (Director of the Legal Action Group). The conference on all aspect of contracting include setting up and running CLACs. £79.00 for members and £99 for non-members.

Training

The Mental Capacity Act LCF Training Seminar for Law Centre workers taking place in Birmingham on 17th September. Trainer is Law Centre worker, Kamlesh Chahal who specialises in Family and Mental Health Law. £45.00. Contact Stella at: stella@lawcentres.org.uk.

LSC Contracts: Managing the Changes LCF Training taking place on 27th September in Manchester and 3rd October in Birmingham. Speaker, David Gilmore, Consultant from DG Legal. The course covers the changes which Law Centres will have to face in order to comply with the new LSC contracts. £75.00 Contact Stella at: stella@lawcentres.org.uk.

Managing Complex Projects 2 day course provided by the-centre (£370.00) 24th and 25th September. Details of all courses at: the-centre.co.uk.

Support Options for Failed Asylum Seekers Training provided by ASAP (Asylum Support Appeals Project) on 15th October in London and in October in Leeds. Contact number 020 8684 5873 or email Eiri@asaproject.org.uk.

Acas e-Learning module on Age Discrimination
Acas has issued a new e-Learning module on Age Discrimination. It includes flowcharts, specimen letters and case studies for retirement dismissals.

Law Centres wishing to check out training providers and LCF courses should visit the Member's pages of the LCF website.

Leaflets

The Gender Agenda New publication from the Equal Opportunities Commission. It is the final report before the EOC closes its doors at the end of September and includes an index highlighting the leading indicators of gender equality (and some useful statistics). The Gender Equality Duty came into force on 6th April 2007.

Charity Act 2006 What Trustees need to know. Publication from the Cabinet Office and the Charity Commission published in May. A copy together with more information about the Charity Act can be found on the Members' site on the LSC website.

The Case for Money Advice New leaflet published by the Advice Services Alliance and the Money Advice Trust. A copy is enclosed in this mailing.

Books

Equality Matters: A good practice guide for small to medium sized voluntary or community sector organisations. A practical guide published by the Big Lottery Fund in July 2007 to 'help you think about and describe your everyday practice on equality'.

New Fundraising books from the Directory of Social Change. The Complete Fundraising Handbook (£22.95), Guide to Major Trusts Volumes 1 and 2 (£39.95 each) and the Directory of Grant Making Trusts (£99.00). DSC has also published a third edition of the Complete Guide to Business and Strategic Planning (£18.95). Visit: dsc.org.uk for details.

Migration and Social Security Handbook 4th edition published by CPAG in March 2007 (£21.00). Information on CAPG website cpag.org.uk

Publications and Reports

Advice in the Future: Scenarios and issues for the future of the advice sector. Report by NCVO Third Sector Foresight, AdviceUK and the Performance Hub. The report provides an analysis of the future changes likely to affect advice organisations in the next ten years. You can download a copy from the LCF website.

Breaches of human rights of older people in care A new report The Human Rights of Older People in Healthcare has lifted the lid on 'scandalous' breaches of the human rights of older people in healthcare. A report from the Joint Committee on Human Rights on the human rights of older people in care homes and hospitals published in August, has raised concern about poor treatment, neglect, abuse, discrimination and ill-considered discharge. The Committee recommended an adoption of a strategy to make the Human Rights Act integral to policy-making and social care across the Department of Health (DH), which it said had failed to 'give proper leadership and guidance to providers of health and residential care' on the implications of the Act.

Health minister Ivan Lewis said: *'The Government intended all along that the Human Rights Act should apply to publicly-funded residents of private care homes in the same way that residents of Local Authority care homes are protected. We recognise this anomaly and will continue to work closely with the Ministry of Justice and all other interested parties to ensure that people cared for by the NHS and Councils have the protection of the Act.'*

Improving Opportunity: Strengthening Society Second annual progress report by the Department for Communities and Local Government. The report was launched in August by the Cohesion Minister, Pamjit Dhanda who said that his priority will be to tackle the inequalities faced by many Muslim women and young people. The report shows that the employment rate gap between Pakistani and Bangladeshi women and white women has changed very little since 1970. The Minister said that efforts to increase race equality and unlock the potential of people from ethnic minority backgrounds to progress in education and business need to be accelerated.

False Economy ? A report for UNISON, 'False Economy ? The costs of contracting and workforce insecurity in the voluntary sector' was published recently. Respondents in the research had revealed an intensifying climate of competition and anxiety among workers regarding future employment prospects. There was some evidence to suggest that particular groups in the workforce could experience additional vulnerability, e.g. older workers and the disabled. The aspects of the insecure contracting environment which most effected service quality were found to be: greater demands on management time and resources, heightened bureaucracy, reduced staffing levels and threats to continuity of care from employee turnover and falls in employee morale. The report was written by Dr Ian Cunningham from the University of Strathclyde and Professor Philip James from Oxford Brookes University.

Local Partnerships and Citizen Redress Advice and Guidance from the Local Government Ombudsmen. Special Report published in July 2007. For a copy visit: lgo.org.uk. An Annual Report from LGO was also published at the same time. The report said that complaints had remained fairly constant with housing and planning being the biggest areas of complaint.

Office of the Immigration Services Commission Annual Report for 2006/07 was published in July. It reports that by the end of March 2007, 1,660 organisations were within the regulatory scheme.

Legal Services Ombudsman Annual Report for 2006-2007 was published in June 2007. At the same time a Special Report was published 'Legal Services Reform - A Perspective' which discusses two issues concerning proposals set out in the Legal Services Bill to transfer the powers of the Ombudsman to the new Office for Legal Complaints.

Legal Services Complaints Commissioner Annual Report 2006-2007 'Cycle of Change' was published in on 10th July 2007.

Legal Services Commission Annual Report for 2006/07 was published in August. The press release focused on civil law statistics, such as the LSC has funded over 83,000 more acts of civil assistance than in 2005/06.

A Strategic Review of Complaints and Disciplinary Processes. Report by Robert Behrens, Complaints Commissioner at the Bar Standards Board published in July 2007. The Report provides a blueprint for significant changes.

Council on Tribunal Annual Report for 2006/2007 'Openness, Fairness, Impartiality' was published in July 2007. This is the last report from the Council, as under the Tribunals, Courts and Enforcement Act, the Council was replaced by the Administrative Justice and Tribunals Council.

Tribunals Service Annual Report for 2006/2007. Published in July this is the first report since the Service was set up in April 2006. The Report says that it dealt with almost 600,000 cases, more than 100,000 were employment claims and appeals, and 254,000 were appeals in relation to social security and child support. A further 166,000 were appeals of immigration and asylum rulings. Two new tribunals are planned: the Charity Tribunal in January 2008 and the Consumer Credit Appeals Tribunal in April 2008.



Please let us know if you have news about your Law Centre:

Staff Changes • New Initiatives • New Funding • Case Successes • Meetings and AGMs

The Law Centres Federation is funded by Baring Foundation, The Big Lottery, Bridge House Estates Trust, Disability Rights Commission, Legal Services Commission and London Councils. We are also grateful to donations from our supporters.

A special thanks to our supporters of our Annual Conference last year: Allen & Overy, AON, The Independent Lawyer, Legal Action Group, Mayer Brown Rowe and Maw and Anglia DNA, Garden Court North Chambers.