

Networking...

The national voice of Law Centres

**Law Centres National Conference 2008
and LCF Annual General Meeting
21st and 22nd November 2008
Birmingham**

'Future Perfect: Law Centres into the 21st Century'

Law Centres are at a crossroads. The changes to legal aid contracting has impacted particularly heavily. Local Authority funding is also changing. New funding streams are opening up. Law Centres commitment to serve their clients and communities, to find solutions to their problems and to do a good job remains strong.

Let's use the opportunity of the Conference to get together and work out our future for Law Centres. Let's swap ideas. Let's exchange experiences. Let's learn from each other. And together let's chart the way ahead.

Cost will be similar to last year but we are seeking sponsorship to subsidise some places. 24 hour and day rates available.

Clear your diary now and plan to come

Details will be published on the LCF website: lawcentres.org.uk

Contact Jennifer Ball - Training and Conference Coordinator
Telephone 020 7428 4412 or e-mail Jennifer@lawcentres.org.uk

Inaugural Law Centres Award

Presentation at Conference Dinner 21st November 2008

Regardless of the funding environment, Law Centres continue to find creative and innovative solutions to their clients' problems. The June edition of Networking highlighted Rochdale Law Centre's use of YouTube, www.youtube.com/watch?v=jzIBTZdSBnQ, to 'get satisfaction' for Alan, their client, who could not catch a train because the lift was broken. The Law Centres' award seeks to highlight all that is courageous, innovative, creative, witty and that which makes Law Centres' contribution to legal services unique.

LCF will send out nomination forms and further information with the registration information for the Annual Conference

Nominate yourself or a friend. Be proud

Law Centres Federation

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Julie Bishop

From the Director

Economic Value of Law Centres

LCF commissioned the New Economics Foundation to research the socio-economic value of the work of Law Centres. The results of this study are soon to be published. However, the key finding is that for individual casework for every £1 spent on the provision of legal assistance, the Law Centre produces benefits/savings of over £15. For public legal education work done by Law Centres, each £1 spent accrues benefits for the community of over £25.

The case studied was assistance provided to a young girl with learning difficulties and threatened with homelessness. The impact of the Law Centre's work on this case was estimated at over £30,000 and produced other benefits for the individual, community and government.

Law Centres have always known that the work they do for their communities is invaluable. This research calculates a monetary value for it. LCF will provide a copy of the report to each Law Centre for use in funding applications and local lobbying.

Services for Law Centres

LCF is working to further develop a number of services for Law Centres. Among new services being explored, is the best way to provide financial management advice to Law Centres. We are exploring the feasibility of the LCF negotiating a national contract that has a reduced fee for Law Centres to provide direct financial management assistance to Law Centres. LCF will contact Centres directly to discuss this idea and others but if you have any ideas, please contact me on 020 7428 4402 or email Julie@lawcentres.org.uk.

Lobbying

LCF have met with Lord Hunt twice since the last issue of Networking. These meetings focus on the impact of legal aid contracting changes and developing new funding streams for Law Centres. LCF have also met with the LSC and key allies and partners.

Membership Rules

LCF plans to revise its membership rules. Because a number of Law Centres are forming partnerships, becoming part of a network or merging with other organisations, our membership rules need to be amended to reflect these changes.

A paper will be distributed to Law Centres in September for comment. It will be amended according to those comments and a final version prepared and distributed by 23rd October 2008 to be voted on at the AGM on 21st November 2008.

Subscriptions

Following the comments received from Law Centres about the amount of the LCF Subscription and following discussions in 2007 and at the General Meeting in June 2008, LCF is proposing to change the method of calculating the LCF Subscription to that of three bands, £800, £1600 and £3000. A paper will be sent to Law Centres for comment. The final version will be distributed 23rd October 2008 to be voted on at the AGM on 21st November 2008.

Newsletter Survey

Tell us what you think of our newsletter - how would you like it improved? Enclosed is a survey that we would like people to complete and send back. It is also on our website. Please send back by 19th September.

Farewell to Iris Suen, LCF Researcher

Due to the end of the project funding, Iris Suen will leave the LCF on 2nd September 2008. During her time at LCF Iris worked on the Case for London and the Socio-Economic Value of Law Centres study with the New Economics Foundation. LCF benefited greatly from working with Iris and having access to her research skills for the last two years.

Law Centres News

Pro Bono Award for Bury Law Centre

Bury Law Centre has been given a national award for pioneering a pro bono clinic in their area. The LawWorks National Pro Bono Award was presented at the Inner Temple in London in June for best contribution by a regional law firm or organisation.

The Judges said:

'Bury Law Centre has worked tirelessly to bring a range of pro bono legal services to an area which despite sharing many of the social needs of Manchester, has historically not been able to match the facilities enjoyed by its neighbour. A small and extremely committed team of lawyers has provided a wide range of legal services which has been enthusiastically appreciated by the public it supports.'

Independent judges, Sir Henry Brooke, Edward Fennell and Andrew Holroyd selected the winners from 50 or so nominations.

Partnership Working at Islington Law Centre

'One of the key features of our work is that we are involved in such a range of partnerships - these help us provide more effective and holistic services to clients, and enable us to make the best use of our resources.' This aspect of Law Centre's approach to providing community based legal services was highlighted by Ruth Hayes, the Director of Islington Law Centre in their recent annual review. She said, *'We participate in a range of networks, including Islington Advice Network, the Islington Consumer Support Network, the Islington Community Network, the Islington Strategic Partnership, the Islington Compact Group and profession groups such as legal aid practitioners groups.'*

An example of this work is the Independent Advice Project, which is a partnership between Homes for Islington and the Law Centre and offers free, independent, confidential and expert advice council tenants and residents. The service offers advice and advocacy on all welfare benefits and tax credits from initial form filling to representation to the Social Security Commissioners.

Workers in the Immigration Unit at Islington have been dealing with a number of cases of women who have been trafficked to the UK and work closely with the Poppy Project. They report that with the ratification of the Council of Europe's Convention on Human Trafficking expected by the end of the year, the issue of Human Trafficking and the implications for immigration law are likely to come to the fore in 2009. Again the Law Centre staff work with other organisations, such as the Anti-Trafficking Legal Project, and the Trafficking Law and policy Forum both of which aim to influence government policy and practice on the issue.

Butterfly - Migrant Women's Project - Avon & Bristol Law Centre

This is a new project that began at Avon and Bristol Law Centre in August 2006. It has been funded by the Big Lottery and aims to assist migrant women to gain better access to services; to increase knowledge and confidence about living in the UK and to become integrated into local community and mainstream life. A major part of the work is to hold themed meetings on relevant issues and to provide training.

In partnership with Refugee Women of Bristol the project has provided information about family reunion and held a meeting to discuss the availability of English Language tuition.

In March 2007 the members of a local Polish parish met with the Butterfly Project Worker to discuss the advice needs of the emerging community. In 2008, they are delivering training or advice surgeries in areas such as maternity services, access to and participation in local schools, employment and housing. They also plan to run information workshops about working and child tax credits in partnership with a local benefits training agency.

Outreach services are provided in partnership with Silai for Skills, Holding Refugees and Human Rights in Mind.

A large number of initial referrals have been related to immigration, particularly applications for British Citizenship. Bristol and the surrounding areas have an acute shortage of immigration advisors.

The number of women accessing the project grew sharply in the spring as more agencies and community groups became aware of the project.

The Law Centre expects the demand for the Butterfly Project to remain consistently high over the coming year.

Deserving Dignity - How we treat people seeking sanctuary - launch at Law Centre (Northern Ireland)

Law Centre (NI) and Refugee Action Group hosted the launch of recommendations from the final Independent Asylum Commission (IAC) report of asylum policy in the UK on 23rd July. In 'Deserving Dignity' the Commission made over 180 recommendations to restore public support for sanctuary, and improve the way we decide who needs sanctuary, how we treat people while they are here, and what happens when a person is refused sanctuary. The Commission calls for an asylum system that makes better decisions and treats people with greater humanity and dignity.

Ifath Nawaz, President of the Association of Muslim Lawyers and co-chair of the Independent Asylum Commission speaking ahead of her visit to Belfast said:

'Our Commission has made many recommendations to improve the treatment of people who come to the UK seeking sanctuary. The devolution of power to Wales and Scotland has seen the new governments there using devolution as an opportunity to show real political leadership in relation to asylum policy. We would like to see a similar distinctive approach adopted by Ministers in Northern Ireland.'

Les Allamby, Director of the Northern Ireland Law Centre, said:

'We were delighted to host the launch of the report. The Northern Ireland Executive and Member of Legislative Assembly have been broadly supportive of better treatment of asylum seekers. Nonetheless, more needs to be done. The IAC has rightly shone a light on a number of important issues including the need for local facilities for reception, the need to use detention sparingly, the importance of access to local information and advice and more emphasis on care and services than the current UK Border Agency's concentration on detention and enforcement.'

Surrey on the move....

The Law Centre is now based at:

Jacobs Yard, Woodlands Road,
Guildford, Surrey GU1 1RL

Email: info@surreylawcentre.org

Tel: 01483 215000

Website: surreycommunity.info/surreylawcentre

After 30 years Leicester Law Centre closes

Our thanks to Glenda Terry, who was manager of Leicester Law Centre.

Leicester Law Centre closed on 1st April, 2008. It had survived numerous funding cuts during its 30-year existence and had adapted many times to the whims of funders, but the Legal Services Commission's new procurement strategy struck the fatal blow. Following two years of tenders and negotiations, the contract to provide Leicester's Community Legal Advice Centre (CLAC) was awarded to a commercial company from April 2008 and, with the loss of its core funding, the Law Centre ceased to be viable.

The Law Centre's life cycle has spanned a period of change and upheaval within the legal advice sector. It began life as Highfields and Belgrave Community Law Centre at a time when the Law Centres' movement was gathering momentum in the U.K. and attracted financial support from the local authority as well as income from its legal aid work. Both Highfields and Belgrave Law Centre and Leicester Rights Centre were legal practices within the not-for-profit sector and provided comprehensive advice and casework services in the principal areas of social welfare law; training for local advice services and campaign and legal education work.

In the wake of the 1993 review of advice services in Leicester, the two Law Centres were merged in 1996 to form Leicester Law Centre - centrally located in Granby Street and with considerably less capacity than the two parent organisations. 2001 saw a further 'rationalisation' of funding for advice services with the decision by Leicester City Council to issue a restricted tender for the services

delivered by the city's Citizens' Advice Bureau (CAB) and Law Centre respectively. The outcome was that approx. £100,000 p.a. was trimmed from the advice budget and the Law Centre was awarded the contract for the CAB's 'general help' service. Further reductions in funding followed the City Council's review of advice services in 2004, resulting in staff redundancies, reductions in services and the Law Centre's move to smaller and less expensive premises in Millstone Lane the following year.

The first CLAC tender was issued by the Legal Services Commission in 2006: Leicester, with Gateshead, was to be a pioneer for the new service model. The Law Centre submitted a bid which would have delivered the service by means of a consortium of not-for-profit advice services and some private practice firms. However, it was eventually acknowledged by the LSC that the service required could not be provided with the funding allocated and the tender was withdrawn. The ink was scarcely dry when the second tender was announced early in 2007, culminating in the award of the tender to a commercial firm from outside Leicester, despite there being two bids from locally-based advice agencies capable of delivering the services required.

In October, 2007, the Law Centre submitted a bid to the Legal Services Commission for contracts in employment, housing, welfare benefits and family law in Leicestershire County. At the time of submitting the bid, we did not know the result of our application for the CLAC tender. We were informed of our success in this application during the same week in which we heard that our bid for the CLAC had been rejected. The two decisions presented us with a dilemma. The loss of our core funding following the decision on the CLAC tender meant that the Law Centre was no longer viable. If we had accepted the contract for the work in Leicestershire County, this would have required us to deliver a new service in innovative ways by means of outreach over a large geographical area without any funds to meet our overhead costs - i.e. the cost of maintaining an office base in Leicester and costs associated with providing an outreach service (none of which were accommodated within the fixed fee payments for this work). The most optimistic assessment of

our prospects of achieving the required matter starts within the first year suggested that we should incur a substantial loss. The risks incurred in undertaking this contract - both for the financial health of the Law Centre and for the job security of our employees - seemed to us too great to be able to justify accepting the contract.

The Law Centre's remaining reserves and contracts are to be transferred to Leicester Money Advice - a specialist debt advice centre with which the Law Centre has worked closely for many years. Early in April, the Law Centre learned that it had been successful in an application to the Equality and Human Rights Commission (EHRC) to undertake casework and public legal education in disability and employment discrimination. The funding is for a year only - but with some prospects of continuation if the project is successful. The EHRC has recently agreed that this funding may be transferred to Leicester Money Advice as part of the merger arrangements. The merger creates the opportunity for Leicester Money Advice to employ solicitors and to expand the range of its work. The option of developing the potential of the only remaining specialist legal advice agency within the not-for-profit sector seemed to us to offer a more hopeful prospect for the future of social welfare law services in the city than for the Law Centre to continue for an uncertain period as a small niche practice.

Like many other legal advice services, the Law Centre became adept at steering its course between the rocks and whirlpools of public funding and commissioning. However, the last two years of its existence constituted a lengthy period of uncertainty for staff and clients in which aspirations for future development were frequently frustrated by delays and changes of strategy on the part of service commissioners. Time and resources which might have been invested in the development of the service have been directed towards securing its survival by means of applications to deliver the services required within the successive CLAC tenders. The closure of the Law Centre signals the loss to the city of a legal practice whose work achieved the highest level (excellence) at peer review by the Legal Services Commission and whose advice staff were commended for their expertise and diligence in the pursuit of justice for their clients.

The 1993 PSI Review of Advice Services lists 22 agencies in Leicester which provided legal advice at generalist or specialist level. Of these, only 5 now remain - with the same or less equivalent funding - yet the justiciable problems faced by the people of Leicester and their need for advice have not diminished. In some areas of law - notably education - there are no longer any specialist providers and in all areas of social welfare law, demand exceeds supply. Leicester is now a more diverse city than in 1993 with several recently-arrived communities, many of whose members experience arguably higher levels of poverty and deprivation in a harsher economic climate and with more restricted access to state benefits than in 1993. Shortly before its closure, the Law Centre challenged the 'right to reside' rule, which denies access to welfare benefits to many local residents, by way of a challenge at the Court of Appeal. Unfortunately, we were unsuccessful, but in our long history we have won many legal victories for clients who would otherwise have been denied access to justice - a fundamental right but one which is compromised by the demise of those services which offer the means to enforce it.

Glenda is now working for AdviceUK as one of their Development Consultants focusing on Access and Quality.

Update on other CLACs and CLANs

Gateshead CLAC

With the closure of Gateshead Law Centre, the Community Legal Advice Centre (CLAC) continues to operate with the CAB and three sub-contracted solicitor's firms. A consultant has provided a report to the LCF on the reasons for the closure of the Law Centre. A combination of factors led to its closure. The Law Centre's participation in the CLAC was a significant contributor.

There are lessons that can be learnt from the operation of the CLAC that would be of future benefit for those Law Centres considering being part of a CLAC or bidding for LSC contracts as part of a consortium. *These lessons will be included in training materials providing by LCF.*

Derby CLAC

Derby Law Centre merged with the CAB last year to become Derby Citizens Advice and Law Centre. This merged organisation, together with Derby Housing Services and 2 subcontracted solicitor's firms, were successful in their bid for the Derby CLAC which opened in April 2008. We understand that the CLAC is operating well although the terms of the contract are very demanding.

Hull CLAC

A4e and Howells have been selected as the preferred bidder for this CLAC. It has been reported that there have been local protests that the contract has been awarded to outside private contractors. The CLAC was due to open in May 2008 but their opening has not been announced as yet. Hull CAB, even though it lost its local authority and LSC funding will probably survive with Financial Inclusion Fund funding for debt work.

Portsmouth CLAC

The Portsmouth CLAC was awarded to Southern Focus Trust (SFT) and Portsmouth CAB. Southern Focus Trust is a large charitable organisation, with 500 staff, that provides a range of services across Hampshire and Dorset. It runs hostels for the homeless, registered care homes and provides care and support services to people facing social exclusion. The CLAC is now open and is run separately from SFT's other services but is not a separate legal entity.

Portsmouth CLAC has its own website which can be found on the Community Legal Advice website: communitylegaladvice.org.uk (new name for CLS Direct) and under 'About Us' where all the current CLACs are listed.

New Community Legal Advice services

In May 2008, the LSC announced the areas where they are in discussion with Local Authorities about opening new Community Legal Advice Services before 1st April 2010. This disclosure formed part of the agreement between the LSC and the Law Society.

List of Local Authorities which might jointly commission legal advice services with the LSC are:

Barking and Dagenham CLAC

There is no Law Centre in Barking and Dagenham. The aim is to have a CLAC opening in 2009. The London Borough of Barking and Dagenham has announced that a consultation will be launched in September 2008 with a view to a tender for the CLAC being issued in January 2009.

Cardiff, Vale of Glamorgan & Bridgend CLAN

There is a proposal that the Local Authorities of Cardiff, Vale of Glamorgan and Bridgend, together with the LSC, jointly commission for legal advice services. Cardiff Council reports that the new service is likely to be developed as a CLAN and would be open to tenders from a large provider or a consortium. Cardiff Council currently funds 8 advice agencies including the CAB and Cardiff Law Centre. There is agreement that the new commissioned service will start in October 2009, at the earliest. The Council anticipates that preparations for tendering will begin in August 2008 with the first stage of the tendering process expected to begin in November 2008. The draft tender specification is out for consultation.

The LCF will be working with Cardiff Law Centre to assist them in preparing for the tender.

Gloucestershire CLAN

The LSC is proposing to jointly commission for advice services with Gloucestershire County Council, Gloucester City Council and 5 District Councils. The main legal advice providers in Gloucestershire are Gloucester Law Centre, four CABx, Shelter, a money advice service and one other small independent organisation. The tender document will be out for consultation in September, with invitations to tender by January 2009 and a potential start date of June 2009.

The LCF will be supporting the Law Centre through the tendering process.

East Riding of Yorkshire CLAN

There is no Law Centre in this area. East Riding is largely a poor rural area with no major towns and is something of an advice desert. A consultation took place in August and the Local Authority and LSC hope to set up a new CLAN by September 2009.

Manchester

There are three Law Centres in Manchester; North Manchester, South Manchester and Wythenshawe. A review of advice provision has been undertaken by Manchester City Council and the report has just been published.

The review recommends that:

'The Council should encourage the existing Law Centres and neighbourhood advice centres to explore ways in which they could come together. The Council may wish to indicate that its future commissioning intentions will be to contract with a single Law Centre and a single network of neighbourhood advice centres.'

It further recommends a single point of telephone and e-mail access, a single city centre service, six district services and one Law Centre that would provide specialist level legal interventions from a range of locations across the City. The advice review is out for consultation with a deadline of mid October. There is no timetable for the commissioning of services as yet.

The LCF will be assisting the Law Centres in responding to the review and any future commissioning of services.

Four other proposed CLACs were announced. These were Stockport CLAC, Sunderland CLAC Wakefield CLAC and West Sussex CLAC. There are no Law Centres in these areas although Kirklees Law Centre is fairly near Wakefield. Currently there is no news of how they are all progressing.

In summary, The LSC's proposals will directly impact upon five Law Centres - the three based in Manchester, Gloucester and Cardiff.

If you would like to discuss further or need any assistance in relation to the tendering process, please contact the Development Team at the LCF.

Stella Russell Tel: 0117 952 3367
stella@lawcentres.org.uk

or

Noeleen Adams Tel: 020 7428 4407
noeleen@lawcentres.org.uk

Making the Most of Legal Aid

Exceptional Cases

LCF met with senior staff at the Legal Services Commission in mid August to discuss a number of matters in relation to support for Law Centres, legal aid contracts and tenders.

One important discussion was seeking clarity on claiming for Exceptional Cases. Law Centres, as a whole, have claimed very few Exceptional Cases in the first 9 months of the new contracts. There are many reasons for this but the LSC confirmed that there is nothing to be lost by putting in a claim for an Exceptional Case because the fixed fee will still be paid.

During this time only 123 not-for-profit Exceptional Cases had been assessed by the Legal Services Commission. **Of these 89% were accepted in full.** Just 11% were disallowed, mainly because of eligibility problems.

Most of the cases submitted were housing accounting for 90%, 12% were employment cases, 8% Welfare Benefits, 7% Family, 3% Community Care, 2% Debt and 1% Education

If you wish to discuss claiming for Exceptional Cases or want further information, please contact the LCF. Either phone Cathy in the North on 01706 819 698 or Stella on 0117 952 3367 or ring Myles in London on 020 7428 4403.

Certificated Work

Similarly, Law Centres do little Certificated Work. Again there are many reasons for this and the additional administration is a much cited reason. However, it is a good source of income for Law Centres and we recommend that you consider it. It is a useful way to maximise your legal aid income.

If you would like training or additional information doing Certificated Work either phone Cathy in the North on 01706 819 698 or Stella on 0117 952 3367 or ring Myles in London on 020 7428 4403.

Application of Key Performance Indicators in LSC contracts

LCF sought clarification on the use the KPIs from the LSC at a meeting in mid August. The LSC stated that:

- The purpose of the Key Performance Indicators in the contracts is to trigger a conversation about performance between the Account Manager and the contract holder;
- The contract cannot be terminated on the basis of KPIs;
- No weight will be given to KPIs in determining the allocation of new contracts or tenders; and
- A consultation will be conducted in September asking about suitable KPIs for Civil Law Contracts.

Legal Services News

Have you been successful ? Since our last newsletter, a new civil bid round has been and gone. The annual training contract grants scheme went ahead despite protestations that it would be hard for Law Centres to find 50% of a trainee's salary. In previous rounds this was 25%.

The LSC also invited tenders for housing possession court duty schemes but none of the areas selected was in a Law Centre catchment area. A full scale procurement process for all the schemes is expected in 2009.

The next consultation, and the most important this year will be on the future for social welfare law in 2010 and beyond.

The latest news we have is that we can expect the consultation paper to be out at the end of September. We hope by then that the LSC will provide clarity about whether Law Centres and others will be able to sub contract out services which was a key issue in the last bidding round.

Call for a review of LSC reforms

Union members at Unite are calling for a major review of the impact of the new LSC funding framework to assess the impact on access to services and the needs of the most vulnerable clients.

They are also calling for the following:

- There should NOT be a move to 'best value' competitive tendering as this will further damage services.
- The work that the not for profit sector delivers which is unique to the sector should be funded differently from private providers.
- Service users should be involved in deciding local community services.
- All bids should take into account quality not just cost to ensure that the needs of the most vulnerable clients are met.
- There needs to be realistic financial support for providers that provide to clients with specific needs - e.g. those with high percentages of clients who do not speak English as a first language, those with mental health problems and those with disabilities.
- There should be a commitment to assisting not for profit agencies throughout the transitional period with a guarantee that agencies will not be forced to close as a result of the changing of the funding framework within this time.
- LSC funding should be led by service requirements, not restricted by LSC criteria and a London Weighting should be introduced.

There has been reports that these demands will be discussed at the Labour Party conference. *We will keep you updated.*

Eligibility for Legal Aid

Figures produced by the Ministry of Justice suggest that the proportion of the population eligible for civil legal aid dropped by nearly 50% between 1998 and 2007, with a particularly sharp decline between 2005 and 2007.

CJC calls for Class Actions

The Civil Justice Council (CJC) published a report 'Improving Access Through Collective Actions' this month calling for the introduction of class actions for groups of consumers or businesses. It proposes that class actions could be brought by representative individuals or organisations on an opt-out as well as an opt-in basis. However, no claim should proceed unless certified by the court. Where cases were brought on an opt-out basis, the court should have the power to award aggregate damages. Any unallocated damages should be distributed by a trustee according to general trust law principles.

New legislation will be needed before a class action regime could be introduced. The Council's report has been submitted to the Justice Secretary, Jack Straw as interim advice. A final report and draft rules of court will follow in the autumn.



New Bill to tackle living together injustice

A Bill is to introduced this autumn as part of a new campaign to end the injustice and financial hardship faced by thousands of cohabiting couples, carers and siblings who live together. The Bill to give rights to couples who live together will be introduced by Lord Lester of Herne Hill QC, a veteran human rights lawyer who successfully introduced the Forced Marriages Bill and was instrumental in developing the recent Civil Partnership Act.

The Bill's introduction is part of a new 'Living Together' campaign, launched by Resolution, an association of 5000 family lawyers, and Lord Lester's Odysseus Trust.

One in six couples in the UK co-habit and do not marry according to the Office of National Statistics and this is predicted to rise to one in four by 2031. More than half of cohabitants (53%) still falsely believe in the existence of Common Law marriage. However, the

Government has decided to postpone action on recent Law Commission proposals to reform cohabitation law pending research into the cost and benefits of reforms introduced in Scotland.

The Bill would protect the vulnerable without equating living together to marriage or civil partnership in every way. For example, the Bill would apply only to people living in the same household for a minimum period of time in which the parties have provided a financial or other commitment to each other.

To protect freedom of choice, couples who wish to do so could "opt out" of the scheme provided legal advice is sought by both parties to protect the vulnerable.

Administrative Redress: Public Bodies and the Citizen

A new consultation from the Law Commission on reforming the current system for administrative redress in both public and private law.

The Commission's general view is that, while the vast majority of complaints are handled effectively, there are a comparatively small number of complaints where the involvement of the courts is necessary and conclude that 'it is vital to consider the appropriateness and effectiveness of court-based remedies'.

Their analysis of court-based remedies is divided between those available in judicial review and in private law. In private law, they focus on the torts of misfeasance in public office, breach of statutory duty and negligence saying that they consider that the current situation is unsustainable. In judicial review, they consider that it is incorrect that damages are available in situations covered by EU law and by the Human Rights Act 1998 but are not available in other situations solely covered by domestic law.

The Commission suggested that there is a strong argument for the reform of court-based administrative redress in both public and private law. In developing the structure of potential reform, they have drawn heavily on the principle of modified corrective justice. By 'modified corrective justice', they mean a model of 'corrective justice' that properly reflects the special position of public bodies and affords them appropriate protection from unmeritorious claims.

Part 4 goes on to suggest specific reforms of court-based redress in both public and private law. This would involve the creation of a specific regime for public bodies based around a series of individual elements. At the core of these individual elements would be a requirement to show 'serious fault' on the part of the public body. The Commission believes that this would properly address the concerns of public bodies and the needs of claimants.

They provisionally suggest that damages should be available in judicial review if the claimant satisfies the elements of conferral of benefit, serious fault and causation. However, an award of damages would serve only as an ancillary remedy in judicial review and could only be claimed alongside the prerogative remedies. In keeping with other remedies available in judicial review, damages would be discretionary in the public law scheme. Cases that do not satisfy the 'truly public' test would be determined by the ordinary rules of negligence.

The other significant reform suggested is to modify the operation of the general rule of joint and several liability in private law as it applies to public bodies, since it can operate in a particularly unjust way. When public bodies are the respondents, a failure in a public body's regulatory oversight is often not the direct cause of the claimant's loss, which may be the wrongdoing of another, but the public body may have to bear the loss in its entirety.

Ombudsmen

In line with the government's commitment to increasing the use of Alternative Dispute Resolution (ADR), the Law Commission consultation makes two proposals for reform. They suggest the creation of a power to stay actions before the courts, encouraging claimants to submit suitable claims to the ombudsmen before attempting to obtain a legal remedy through the courts. Second, they suggest that access to the ombudsmen be improved by modifying the 'statutory bar' in relation to all ombudsmen and removing the MP filter in relation to the Parliamentary Commissioner for Administration (Parliamentary Ombudsman).

The Commission recognises that any changes to the liability regimes for public bodies will have the potential to cause concern to both claimants and the public bodies themselves. They have

therefore noted a range of options available to government if there is particular concern relating to liability exposure in specific areas. These would include the possibility of statutory immunities, such as that which exists for the Financial Services Authority under section 102 of the Financial Services and Markets Act 2000, or statutory caps for individual claims.

The consultation, '**Administrative Redress: Public Bodies and the Citizen**' Deadline: 7th November.

For details on how to respond visit:
lawcom.gov.uk/remedies or email:
administrativeredress@lawcommission.gsi.gov.uk.

Legal Aid for Inquests

The Times has reported that bereaved families are struggling to represent themselves at Inquests because of government curbs on when relatives should receive legal aid. Figures obtained by The Times show that only one in three requests to receive exceptional discretionary funding is granted - leaving the majority of families to cope on their own.

Amanda Stevens, president of the Association of Personal Injury Lawyers said that any recommendations for funding from the coroner should be binding on the Legal Services Commission. She reported that the Government had recently published a draft charter for those who come into contact with the Coroners' Service but that it failed to include any reference to the right to legal advice and representation.

Families, pressure groups and lawyers say that this puts bereaved relatives at a severe disadvantage, particularly when they find themselves facing teams of lawyers employed by large organisations, including the Ministry of Defence. They are calling for the Coroners Bill, expected to be published this autumn, to change the system so that coroners, not ministers, make the decision on funding.

The concerns coincide with growing unease about the powers held by the Government over the Inquest process. Under a little-noticed clause in the Counter-Terrorism Bill, which passed through the Commons last month, Inquests that the Government deems a risk to national security could soon be held in secret.

Protective Costs Orders

On the 1st of July, the Court of Appeal clarified the basis on which public litigation may be brought. The case concerned a challenge to decisions made by Wiltshire Primary Care Trust (PCT) to terminate services provided at a Day Unit and a Minor Injuries Unit at a local hospital. A legal challenge was brought by Ms Compton with the benefit of pro bono representation by counsel obtained through the Bar Pro Bono Unit. The Administrative Court held that the case merited a full trial before a high court judge. However, Ms Compton could not afford to take her case to trial unless she received some protection against the risk of being ordered to pay all the PCT's costs if she lost. The Administrative Court agreed to make a Protective Costs Order (PCO) but the Trust appealed to the Court of Appeal against the PCO arguing that it should not have been granted. On the 1st of July, the Court of Appeal held that Ms Compton should continue to receive the benefit of a PCO to enable her to bring a legal challenge without fear of having to pay all the PCT's legal costs should she lose.

Conrad Haley, Director of the Public Law Project (PLP), said:

'I am delighted that the Court permitted PLP to intervene in Ms Compton's case, and following PLP's intervention, have dismissed the PCT's appeal. If Ms Compton had been forced to drop the case, the people of Wiltshire would have been deprived of access to the court, and ultimately, of justice. We are delighted that a majority of the Court have reaffirmed the important role that Protective Costs Orders have in ensuring access to justice, in cases where there is an imbalance of financial resources between the challenger and the public body whose decision is being challenged.'

Management Committee Members

If you would like a copy of Networking sent to your home address, please let Nimrod know.

His email address is:

Nimrod@lawcentres.org.uk

Alternatively, you can always view and download a copy from the LCF website:
lawcentres.org.uk under 'Publications'

Investigating and understanding unmet legal need in Magistrates' and County Courts

A study carried out this spring by Vicky Fewkes, Sara Lomri and Jenny White was published by Young Legal Aid Lawyers (YLAL) in August 2008. This was fairly small scale study, but their main findings are a cause for concern. It found that :

- 61% of the respondents were not represented
- Only 65% of those who thought that they were eligible for legal aid were actually being represented
- Of those attending court in relation to civil and family matters as whole, including public law matters, only 10% were represented
- Of unrepresented respondents, 27% had tried to get representation and 51% had tried to get advice
- 54% of respondents stated that the case would have a very significant impact on their life.

The authors say that strenuous efforts should now be made by the government to maximise the number of people benefiting from advice and representation. Their recommendations include a call on government to commission independent, consistent, long and detailed research in for inform the debate on legal aid reforms.

A copy of the report can be found at: younglegalaidlawyers.org

New Chair at LSC

The Justice Secretary, Jack Straw has appointed **Sir Bill Callaghan** as the new Chair of the Legal Services Commission. The appointment will take effect from 1st September 2008 for a term of three years. He joins the Commission having had a career as chair of the Health and Safety Commission. He was previously the Chief Economist and Head of the Economic and Social Affairs Department at the Trade Union Congress (TUC). He served on the Low Pay Commission from 1997 to 2000 and played a key role in the introduction of the National Minimum Wage in April 1999.

Carolyn Regan, Chief Executive of the LSC is joined by four top Executives: Executive Director for Policy, **Richard Collins**, Executive Director for Corporate Services, **David Godfrey**, Executive Director for Service Delivery, **Gary Robertson** who joined this May and **Helen Riley** who is Executive Director for Transformation. Gary Robertson is an electrical engineer by trade and Helen has worked for 26 years in banking. Two further Executive Director posts were advertised recently - Commissioning and Business Support. The post of Executive Director for Corporate Services was also advertised.

New President at the Law Society

Paul Marsh has been elected as the new president of the Law Society and took his new role on 17th July. He replaced Andrew Holroyd who has now returned to Jackson & Canter's in Liverpool. In an article in the Liverpool Daily Post, Mr Holroyd said,

'What I discovered in my year was that the whole profession - we all share a passion for access to justice. It's one thing to have Magna Carta and the rights to justice enshrined in the law, but if someone can't take the case to court - if there's no access to justice, there is no justice.'

Mr Marsh the incoming president has said he would be continue to work with the SRA, the new Legal Services Board and the government to 'secure a regulatory regime within which legal businesses could thrive'. The handover of rule-making powers from the Law Society to the Solicitors Regulatory Authority took place at the beginning of August.

Bob Heslett, a partner at Beachcroft and the Society's Council member for Leeds, was elected vice-president of the Society and Linda Lee, Deputy Vice President.

New Chair of the Bar

At the Bar Council, **Desmond Browne QC** has been elected as the new chairman. He will replace Tim Dutton QC on 1st January 2009.

He previously chaired the Bar's working groups on the Clementi Report and the Legal Services Act.

Allegations of discrimination

A report commissioned by Society of Black Lawyers, the Society of Asian Lawyers, the Association of Muslim Lawyers and the Black Solicitors Network claims that the Solicitors Regulation Authority (SRA) has been discriminating against black and minority ethnic (BME) lawyers and subjecting them to potentially damaging investigations. According to the report, firms whose lawyers are predominantly African and Caribbean are six times more likely to be closed down than those whose lawyers are mainly white. Firms of predominantly Asian lawyers are three times more likely to be closed down.

Anesta Weekes QC, who chairs an SRA's working party that looks into the impact of the regulatory body's decisions on BME solicitors, said the report marked the important first stage in the process of dealing with disproportionate regulation of minority ethnics.

Nominations wanted !

Three opportunities to win awards.....

Legal Aid Lawyer of the Year Awards

The Legal Aid Practitioners Group are calling for nominations for the sixth Legal Aid Lawyer of the Year (LALY) Awards, which celebrate the work of solicitors and barristers and other legal aid practitioners who have dedicated their careers to the service of some of the most vulnerable members of society.

For the first time this year the Law Society is acting as overall sponsor. The media partner is the Legal Action Group. Nominations are being sought in nine categories including: Legal aid firm/not-for-profit-agency - sponsored by Matrix Chamber, Young Solicitor - sponsored by Legal Services Commission, Immigration and Asylum - sponsored by Anglia DNA and Social and Welfare - sponsored by Trimega Labs

The panel of judges, chaired once again by Cherie Booth QC, will also be making an award for Outstanding Achievement, which is sponsored by DG Legal. The deadline for nominations is Friday 31st October 2008. The awards will be presented at a ceremony in London on 1st December 2008. Call LAPG on 010 7183 2269 for a Nomination Form or visit: lapg.co.uk

Pro Bono Awards

The Law Society's Junior Lawyers Division (JLD) has opened nominations for the 10th annual Pro Bono Awards. The awards are open to LPC students, Trainee solicitors and Solicitors up to five years qualified. Nominations will be judged in the following categories: Solicitor - local projects (projects undertaken by a solicitor assisting individuals or groups based in the UK); Trainee (projects undertaken by an individual trainee or group of trainees); and Student (projects undertaken by an individual student or group of students).

The awards recognise and celebrate the valuable work of students, trainees and junior solicitors in providing free legal services to help the most disadvantaged members of the community.

Discretionary cash prizes of up to £1,000 are also available to support the pro bono projects of the winners, and the JLD encourages award nominations from anyone who knows of a student, trainee or solicitor contributing to broadening access to justice in their communities through pro bono work. The closing date for nominations is 19th September 2008.

Law Society Excellence Awards 2008

This year's Law Society Excellence Awards are now open for nominations with new categories including client service, marketing and business development and exporting legal services. Last year's awards established the event as a prestigious date in the legal calendar, recognising and rewarding the most outstanding practitioners in the legal professions. Winning an award is a huge achievement and brings great recognition for individuals and firms. The awards are open to individuals and teams across the entire legal sector, not just solicitors. The closing date for entries is Friday, 12th September.

The Awards include ones for 'Excellence in Equality and Diversity', and 'Excellence in Pioneering Legal Services'. There are also awards for the Junior Lawyer of the Year and Solicitor of the Year.

You can download an entry form from the Law Society website: lawsociety.org.uk.

Communities in Control

Communities in Control: Real People, Real Power, is an important White Paper was published by the Department for Communities and Local Government (DCLG) on 9th July. It contains numerous proposals, some of which will require legislative changes; others will be implemented by DCLG, who plan to work closely with other government departments and partners.

The Paper addresses seven key issues: being active in the community; access to information; having an influence; challenge; redress; standing for office; and ownership and control. These will have an impact on all of the voluntary, community and advice sectors. The proposals include:

- A new £7.5 million (over three years) **Empowerment Fund** for existing third sector organisations to help local communities turn key proposals into practical actions in such areas such as community leadership, involvement in planning and social enterprise.
(A consultation on the Empowerment Fund was published in July with a closing date of 30th September. It is expected that the fund will be launched at the end of 2008)
- A new £70 million 'Community Builders Fund', focused on investing in and building community organisations.
- Support for Community Allowances. Campaigners have argued that Community Allowances should be established so that community organisations are able to pay people to do work that strengthens their neighbourhood without it affecting any of their benefits.
- A new 'Take Part' local pathfinder programme to identify and support local authorities working in partnership with the voluntary and community sector and business to develop local programmes of activity on active citizenship.
- A proposed new duty on local authorities to respond to petitions on local issues. This will give residents a right to a response if they sign a petition.

The White Paper encourages local government to consider ways to use more participatory budgeting mechanisms. A new social enterprise unit will be established in DCLG, as will a new Asset Transfer Unit, which will work to encourage more community ownership and management of community assets.

One of the subjects covered is 'Redress'. The DCLG recognises that there will be occasions where services do not meet people's expectations. In this chapter, the focus is on how the Government can work to ensure that expectations are clear, how citizens can seek redress and how redress can be used to improve performance in the future. Their proposals include reviewing the Local Ombudsman's powers, encouraging the use of Community Contracts, which bring together councils, the NHS, police and community groups to agree priorities for action and pledgebanks - websites where individuals can pledge to do something, but only if a certain number of other people do the same.

They are also interested in financial redress. The government is commissioning of a review into the feasibility and practicality of introducing and extending the idea of redress for citizens when their council services fail to meet agreed targets.

The government announced their review team at the end of August. The team, including Tesco and the National Consumer Council will look at options for redress such as offering a high street voucher where appointments are missed and enabling people to track their complaints online.

Communities Secretary of State, Hazel Blears said:

'Councils need to put people at the heart of service delivery, and take complaints seriously. Where things go wrong, people should be able to expect swift and fair redress. Getting this approach right should also help ensure that there is less need for redress going forward.'

The Department anticipates that the review report will be submitted to the Secretary of State in early 2009.

An excellent briefing has been published by NCVO. You can find the link at: ncvo-vol.org.uk/policy/.

A copy of the White Paper can be found at: communities.gov.uk/communities/

The required legislative changes will be detailed in the forthcoming Community Empowerment, Housing and Economic Regeneration Bill (CEHER Bill) which will be introduced into parliament in the 2008-2009 session.

A Ministry of Justice discussion paper, **A national framework for greater citizen engagement**, was published alongside the White Paper. It asks for views on their proposals for Citizens' summits, Citizens' juries and a petitioning mechanism for Parliament. The discussion paper can be found at the Ministry of Justice's Government of Britain Division.

Search MoJ website at: justice.gov.uk or contact Laura Beaumont at: laura.beaumont@justice.gsi.gov.uk.
Comments by: 1st October.

Law Centres Federation Annual General Meeting

Birmingham 21st November 2008

Election of Executive Committee and Officers of LCF

All Law Centres should shortly receive a reminder about the upcoming AGM and current LCF membership requirements. In addition to this, the 2008/2009 Executive Committee will be elected at the AGM.

Please consider nominating

Nomination forms will be sent out in mid September. They must be returned to LCF by 17th October 2008. A final list of candidates will be sent to Law Centres on 23rd October.

Resolutions

If you have any matter that you wish to be put to the AGM as a resolution, please send it to LCF by 17th October 2008.

It will be distributed with the final papers for the AGM on 23rd October 2008.

Advice Week

6th to 12th October 2008

Advice Week is an initiative of the Working Together for Advice project that LCF is a partner to with other advice networks (AdviceUK, Citizens Advice, Age Concern, Youth Access and ASA). Advice Week has two main targets to promote the value of advice: client target groups (particularly those under-represented in services) and stakeholders/decision makers.

The Advice Week team, led by Citizens Advice and Age Concern, will send an Advice Week pack to LCF members in September which will consist of:

- Two banner posters promoting advice
- Four A3 and A4 posters (with plain box for your local contact details)
- Twenty post cards
- A joint national media release from the advice networks on the value of advice that will contain results from some commissioned research and some stats and case examples
- Supporting materials on undertaking local action as part of Advice Week
- LCF will also separately send you a template media release for local adaptation so you can promote the Law Centre with local media should you wish.

The final joint initiative for the week is a meeting between the advice networks and the All Party Parliamentary Groups on both Ageing and Poverty to of course promote the value of advice. LCF will be attending this.

You do not have to do anything further at this stage unless you want to but should you, or any member, wish to do some additional activity for Advice Week that is encouraged. The workstream or LCF may well be able to assist. Contact Myles Kunzli or your respective Development Consultant if you have, or are seeking ideas, on some sort of community or political activity. It would be nice but not essential to have some local events somewhere.

Please let Myles know if you have any questions or concerns. His direct line at the LCF is 020 7428 4403 or email: myles@lawcentres.org.uk

After Advice Week the promotional aspect of Working Together for Advice is likely to move on to more targeted 'promotional' work to under-represented groups as well as making the case to bureaucrats, decision makers and politicians.

The Equal Rights Trust

Our thanks to Dr Dimitrina Petrov founding Executive Director of The Equal Rights Trust for this article.

The Equal Rights Trust (ERT) is an independent international organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice. Established as a resource centre and a think tank, it focuses on the complex and complementary relationship between different types of discrimination, developing strategies for translating the principles of equality into practice.

ERT opened office in London in January 2007, following a preparation period of approximately two and a half years. The establishment of ERT was a response to two major problems: the gap between the fields of equality and human rights; and the fragmentation of the anti-discrimination struggle. The first problem may be somewhat unexpected and counterintuitive for the non-expert, as it is masked by abundant rhetoric and by the ritual of mentioning equality among the first principles underlying human rights: but in fact, non-discrimination is a forgotten and underdeveloped human right. The problem is demonstrated by the fact that anti-discrimination lawyers and human rights activists hardly know each other's field. The scope of equality legislation in the UK, for example, is different from that of human rights law, narrower in terms of areas of activity covered but broader in terms of duty holders. Similarly, in most countries with developed equality legislation, the insight that the right to equality is central to human rights is eclipsed, while equality lawyers do not make sufficient use of the human rights framework. *ERT works to overcome the discrepancy between human rights and equality and integrate the two sets of standards.*

The second problem consists in the fact that anti-discrimination advocacy has been pursued around the world to date predominantly from the frameworks of compartmentalised single-identity agendas, related to gender, race, ethnicity, religion, language, sexual orientation, disability, age, etc. But while detailed anti-discrimination

provisions and policies covering specific grounds of discrimination or specific groups may be effective, it is necessary to ensure coherence and consistency in the levels and modes of protection across identities. The next agenda in the field of equality is the development of an integrated approach, as exemplified by the equalities reform in Britain today.

Building on the highest achieved levels of protection against discrimination, best practices and current discussions in Britain and other countries, ERT has focused much of its efforts on a project titled Legal Standards on Non-discrimination and Equality that is aimed at promoting a holistic, unified approach to equality and human rights. The first step in this project is the forthcoming adoption and launch of a *Declaration of Principles on Equality* - establishing a new moral and professional consensus among equality and human rights experts and advocates on the basic principles of equality. ERT is currently seeking endorsement for this document from prominent international experts. The purpose of this Declaration is to lay down a framework for combating discrimination and for promoting equality as a fundamental human right and a basic principle of social justice. It is intended as a synthesis of assumptions and concepts developed in international, regional and national legal contexts, brought forward to assist efforts of legislators, policy makers, the judiciary, victims of discrimination and their advocates, and civil society organisations, in drafting legislation, developing policy, interpreting legal and policy provisions, and promoting equality.

For more detail, visit www.equalrightstrust.org

UN Convention on the Rights of People with Disabilities

The Equality and Human Rights Commission's Disability Committee is urging the Government to ratify the United Nations Convention on the Rights of People with Disabilities by the close of 2008. They say that the Convention is only likely to make a real difference if its implementation is actively monitored and pursued. They will be working with disabled people and their organisation to make the Convention a success.

Equality Bill

On 26th June, Harriet Harman MP QC, Minister for Women and Equality announced the publication of the Government's key proposals for an Equality Bill to address inequalities and create a fairer society.

The White Paper entitled '**Framework for a Fairer Future**' will create a single statute to replace the complex web of legislation that has grown up over the years will make it easier for people to know their rights and their obligations. The Bill is intended to replace 116 different pieces of equality legislation in force - 35 acts, 52 statutory instruments, 13 codes of practice and 16 European Commission directives. Ms Harman said that the Equality Bill will be written in plain English alongside the necessary legal language. The Bill itself will not be published until it is introduced in the next session of Parliament. It is likely to be very long and there is some concern as to whether it will be ready. For example, it has been reported that some important areas have not yet been fully resolved such as whether representative actions will be permitted and how multiple discrimination is to be tackled.

Increasing transparency is a key feature of the proposals. *'The new Equality Duty will clarify and strengthen the existing requirements and give a greater focus on increasing transparency. We are looking at how to help public bodies comply with the duty more effectively, through legislative and non-legislative mechanisms, to encourage greater transparency among private sector contractors to contribute to the delivery of our equality targets.'*

To be welcomed in the Bill is the commitment to allow Employment Tribunals to make wider recommendations in discrimination cases, which will benefit the wider workforce and help to prevent similar types of discrimination occurring in the future. The paper says, *'We want to allow discrimination claims to be brought on combined multiple grounds. This is a very complex area and we are exploring this further, including how the legislation would work in practice and what the costs and benefits would be'* and *'in the light of the Civil Justice Council's recommendations, we will consider the case for introducing representative actions in discrimination cases and will consult on any proposals for reform.'*

The Equality Bill will contain a new streamlined Equality Duty to replace the race, disability and gender equality duties, which will also cover gender reassignment, age, sexual orientation and religion or belief and *'will enable us to make it unlawful to discriminate against someone because of their age when providing goods, facilities and services or carrying out public functions.'* The commitment to provide protection against age discrimination has been particularly welcomed, however there have been concerns about the exclusion of children and young people and of education from the age equality duty. Regret has also been expressed that the Government was not taking this opportunity to tackle the default retirement age, although it is understood that this will be subject to review in 2011.

Government Response

On 22nd July, the Government published '**The Equality Bill - Government response to the Consultation**'. This expanded on the White Paper. Among the key points in the new White Paper are:

- There will be no major changes to most of the key concepts and definitions: the requirement for a comparator will be retained in discrimination cases and hypothetical comparators will not be permitted for equal pay claims.
- However, the Equality Bill will make clear how the burden of proof is to operate in equal pay cases and how genuine material factors should be dealt with.
- The Disability Discrimination Act's list of capacities will be repealed and an objective justification test introduced.
- Age harassment outside the workplace will be prohibited, but not harassment outside the workplace on grounds of sexual orientation or religion or belief.
- The general and specific public sector equality duties will be retained, including the 'due regard' requirement. But the new generic duty covering all the strands will not be implemented until 2010/11 at the earliest.

Fairness: A new contract with the public

Chair of the Equality and Human Rights Commission, Trevor Phillips launched the Commission's formal response to the Bill on 21st July. The response sets out what the Commission would like to see, including a complete over-haul of Britain's equality laws and a new contract with the public on fairness. *'This could be by placing power in the hands of citizens and not remote bureaucracies, and that people by local petition or referendum could test public services such as schools and hospitals on how fairly they treat the people who use them.'*

He said that, *'If individual citizens can hold organisations to account through their ability to access high-quality, up-to-date information alongside the power to demand action, the move to a fairer Britain could be hastened. Where public authorities are providing services to communities, users could decide if they are doing a good job and act if they think they are being let down.'*

Bill of Rights

On 10th August 2008, the Joint Committee on Human Rights published its twenty-ninth report called **'A Bill of Rights for the UK?'** The Committee recommended that strengthening the legal protection for the rights of vulnerable and marginalised people should be one of the principal purposes of any new Bill of Rights.

The Equality and Diversity Forum has said that the UK Bill of Rights has to be *'ECHR plus'* - it cannot detract in any way from the rights guaranteed by the European Convention on Human Rights - it must add to and build on the Human Rights Act (HRA) as the UK's scheme of human rights protection.

There is concern that by making an explicit link between human rights and citizenship, the Government may foster the perception that non-citizens are not entitled to fundamental human rights. There is widespread opposition to any UK Bill of Rights being called either a Bill of Rights and Duties or a Bill of Rights and Responsibilities.

Rights should not be contingent on performing responsibilities, nor should a Bill of Rights impose enforceable duties on individuals or responsibilities which they are already required by the general law to discharge.

The Joint Committee on Human Rights has invited written evidence on significant human rights issues raised by the draft Bill and other measures, not included, but identified at paragraph 4 of the Explanatory Notes as to be included when the full Bill is introduced.

Evidence should be received by the Committee no later than 31st October 2008.

Further details about the Committee are available at: parliament.uk/parliamentary_committees/joint_committee_on_human_rights

Discrimination by association prohibited in ECJ judgment

On 17th July, the European Court of Justice (ECJ) made its landmark decision in *Coleman v Attridge Law*, in answer to questions posed of it by London South Employment Tribunal. Following the Advocate General's opinion given on 31 January 2008, the ECJ has confirmed that the Equal Treatment Framework Directive is intended to prohibit associative discrimination in the context of direct discrimination and harassment.

The Directive applies to age, sexual orientation, religion and belief, as well as disability. Following the ECJ's decision, direct discrimination by association in those other contexts must also be prohibited. (Notably, the Employment Equality (Age) Regulations 2006 do not yet appear to afford protection from direct discrimination by association in the context of age)

Ms Coleman's former employer was a law firm, not a public body. Hence the next stage in her case will be to ascertain if the Disability Discrimination Act 1995 can be read purposively, so as to conform with the intent of the Framework Directive which it is supposed to implement.

Beauty and the beast of disability

Katharine Quarmby wrote about this shocking case in *Disability Now*. She reports that a beauty salon, Visage Hair and Beauty, in Southall, West London, settled a disability discrimination suit with three disabled teenagers.

Amy Fox, Aruna Gill and Jemimah Kumba, (the latter two of whom are wheelchair users), wanted to get their nails painted. A female employee is said to have told the girls: *'This is my shop. There isn't enough room for the pushchairs.'* Shortly before the incident their support worker had checked that the teenagers could be served but when they arrived, the girls said that they were 'shooed away'. Amy Fox, who has learning difficulties, commented that all three friends had been extremely upset by what happened. She said: *'My two friends are in wheelchairs, but I'm not, and they wouldn't serve us...I thought it was very unfair and it was not very nice of them to do that to us.'*

Their solicitor commented: *'The girls just wanted to be treated like ordinary teenagers, and it is a sad reflection on our society that prejudice got in the way. They were treated in an appalling manner and I hope that by successfully taking action, other disabled people who have suffered discrimination realise that they are not alone and the law is there to protect them.'*

The beauty salon owner, Parmail Kaur, denied the allegation that the teenagers were turned away because they were disabled, but settled out of court, paying the teenagers £4,500 in compensation.

Education News

Special Needs

Jon Robins, a freelance journalist wrote an interesting article in the Law Society Gazette this August on how solicitors help children with special needs gain school places. It showed that the demand for legal advice on education issues is rising and yet many practitioners are being forced to stop or downscale their practice because of funding.

Elaine Maxwell, founder of leading specialist practice Maxwell Gillott in Lancaster which runs the Community Legal Advice helpline with the Children's Legal Centre said their helpline took 450 calls in July and over the course of the past year received more than 5,000 calls. She said that probably 70% of the firm's educational work relates to special educational needs (SEN).

South London firm, Fisher Meredith reported that the new fixed-fee regime for legal aid work is proving a major headache for clients and their

lawyers contemplating SENDIST. **Angela Jackman**, partner and joint head of department, pointed out that the firm's tailored fixed fee was £1,096 based upon the practice's average costs. *'So we dropped to £296 in October when the fixed fee was announced,'* she said. Under the new regime, if total fees are more than three times the rate then the case can be classed as an exceptional case. Asked if the firm anticipates having to invoke this escape clause often, she said that this was inevitable.

Ms Jackman and other leading lawyers reported that a typical appeal to a Special Educational Needs and Disability Tribunal (SENDIST) could take 20 hours, and so £296 seemed little reward for the work. Yvonne Spencer, head of education law at Fisher Jones Greenwood in Colchester, which acts for both schools and private individuals explained, *'We need a mixed model of funding because we cannot possibly survive on legal aid'*

The article asked, *'Do families need lawyers at SENDIST?'* Ms Spencer had 'mixed views' but insisted that in complex cases they do. *'For example, if you have a child with severe learning difficulties, a placement is going to cost in the region of £75,000 to £150,000 a year. So local authorities often feel it's worth their while to pay for a barrister to pitch up from London for the day. For a parent of a child with severe learning difficulties most of the day-to-day living is caring for the child, and the stress and strain of going through litigation is just dreadful... You can't underestimate how hostile local authorities are towards parents when cases get to this stage.'* Another interviewee said that in the tribunal, 70% of cases either succeed in whole or in part - meaning that seven out of ten special needs statements are wrong.

One area that claimant lawyers say is an increasingly hot issue is school admissions. Every year, some 1.5 million children start school. In 2005/06 there were 78,670 appeals made by disappointed parents, unhappy with the schools allocated to their children. Parents are becoming increasingly aware of their rights on appeal. More than one-third of the appeals heard were decided in the parents' favour (36.3%).

The article can be read in full in the 21st August edition of the Law Society Gazette.

Education work at Islington Law Centre

Islington Law Centre was successful last year in their bid for funding from London Councils to provide advice and representation for parents taking cases to the Special Educational Needs and Disability Tribunal (SENDIST). They report that there is clear evidence for representation in SENDIST's own annual report that shows that only 20% of parents have representation during the appeal process. Statistics from the Department for Children Schools and Families show that children from Black African and Caribbean families continue to be massively overrepresented amongst those permanently excluded from schools. Their annual review also quotes a Home Office study that found, *'The independent effects of permanent exclusion from school on the offending careers of young people' which shows the impact of exclusion on young people's lives. 44% of the children studied, who had no offending behaviour prior to exclusion, had a record of offending behaviour following permanent exclusion. Of these, 7% began their criminal careers in the same month they were permanently excluded. 60% of children permanently excluded from school have special educational needs, and children with emotional and behavioural difficulties are also overrepresented.'*

Islington Law Centre is an active member of **'EAR to Listen: Education through Advocacy and Rights'** in partnership with Save the Children, the Department for Children Schools and Families, Community Empowerment Network and other agencies. The project promotes advice and representation for pupils and their families during the exclusion appeals process. Islington Law Centre is also a member of the local **Education Advice Network**, which consists of a large number of community and specialist organisations offering advice and information about children's education. The Law Centre provides second tier advice to community organisations supporting parents, particularly to those who do not have English as a first language.

Funding for Education work in Scotland

Govan Law Centre has been awarded £50,000 for training and policy work on education rights. The money has come from the Scottish Government following their concern over the

provision of services for parents of children with special needs. The Children's Minister, Adam Ingram said, *'For a parent, representing their child at a tribunal hearing can be very difficult, therefore the representation services provided by the Independent Special Education Service and Govan Law Centre are invaluable.'*

Govan Law Centre is setting up a six month training project, which will also make recommendations on developing advocacy services.

The Education Unit at Govan Law Centre has been in the news a lot recently. For example, on 20th August, the Journal of the Law Society of Scotland reported on a court action by a West Lothian parent which has thrown doubt over the Scottish Government's attempts to cut primary school class sizes. The client was represented by Iain Nisbet from the Law Centre.

Improving Behaviour & Attendance: Guidance on Exclusion for schools and Pupil Referral Units

This guidance on Exclusion for schools and Pupil Referral Units Guidance has been published by the Department for Children, Schools and Families and will be valid for all exclusions from 1st September 2008.

Headteachers, teachers in charge of a Pupil Referral Unit, governing bodies, local authorities and Independent Appeal Panels must by law have regard to this guidance when making decisions on exclusions and administering the exclusion procedure. This means that, whilst the guidance does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it.

A copy can be found online at: teachernet.gov.org.uk/publications or on the Members' site of the LCF website.

And... I'm sure everyone we be delighted to say hello again to Mandy Wilkins, from LCF's Young Peoples' Project who will be returning to the LCF on 8th September for three days a week following her maternity leave.

Poverty, Inequality and Children

The TUC has published this briefing showing that inequality is just as damaging to children as poverty, and harms their health, education and well-being. The briefing recommends a series of actions to reduce income inequality, including addressing discrimination against women workers and strengthening the position of vulnerable workers. The report can be found on the TUC website: tuc.org.uk.

Housing News

Southwark Law Centre commended in the Administrative Court

On 10th July 2008 the Court of Appeal gave judgment in the case of R (Faarah) v Southwark LBC [2008] EWCA Civ 807. The case concerned Southwark Council's allocation scheme.

At the end of the case Sedley LJ concluded :

'..All the members of this court would wish to express their appreciation of the skilful professional service which Ms Faarah has had from the Southwark Law Centre. As the history set out by Lord Justice Toulson shows, the Law Centre, by careful and well-informed correspondence, was able to locate and challenge the precise error of public administration which this appeal has confirmed. It is of importance to the administration of justice, as well as to many individuals, that there should continue to be Law Centres like Southwark's which are able to offer professional help of high calibre to the neediest people.'

Rebekah Carrier, housing specialist at the Law Centre said,

'These comments come at a time when the provision of good quality legal advice to those who cannot afford to pay for it (like Ms Faarah) continues to be under threat. The Legal Services Commission focus on "outputs" rather than outcomes favours those providing high volume rather than high quality services.'

In Ms Faarah's case, the Administrative Court had given judgment in March but the local authority had failed to act to adjust her priority. She was only rehoused after the Law Centre issued a second application for judicial review

when (very unusually) thirty four bedroom properties became available for allocation and it was apparent that Ms Faarah should have been offered one of them, but would not be.

Ms Carrier added, *'Ms Faarah's case illustrates the importance of the provision of high quality legal advice: there is a key difference between the approach of a qualified and experienced housing lawyer faced with a client who wishes to be rehoused, and the adviser lacking appropriate expertise. The one is able to identify and pursue a legal challenge, the other may only be able to write a letter saying "please rehouse this client because her housing circumstances are poor.'*

Law Centres, of course are uniquely placed to gather and use information and expertise about local authority policies and procedures. The trend towards low cost high volume advice which may not be provided locally (for example, by the use of telephone advice lines where the adviser may be at the other end of the country) may mean that in the future the actions of local authorities are more likely to go unchecked.

Hammersmith and Fulham Law Centre wins victory for tolerated trespassers

Thousands of secure tenants who have had possession orders made against them by the courts remain in occupation of their dwellings. Social landlords are often slow to evict them, and can continue to obtain 'rent' from them as tolerated trespassers for as long as they are in occupation. But what happens when they leave? Merton Borough Council argued, and convinced the Croydon County Court, that tolerated trespassers should remain liable to pay their 'rent' until such time as they formally notify the landlord that they have left - whether or not they have actually departed.

The issue came before the Court of Appeal (Arden, Wall and Wilson LJJ) on 16th June 2008 in the case of Jones v London Borough of Merton [2008] EWCA Civ 660. Mr Jones was represented by the Hammersmith and Fulham Community Law Centre.

Until 11th February 2005 Mr Jones was the secure tenant of a Merton Borough Council flat. From that date on he became a tolerated

trespasser, because although Croydon County Court had made a possession order against him for rent arrears he stayed on in the flat and the Council did not move to evict him. However, in June 2005 masked men broke into his flat and shot Mr Jones in the leg. Unsurprisingly, he never returned to the flat. Merton conceded that by 3rd October 2005 it knew that Mr Jones was no longer in occupation. In November 2005 a friend took the last of Mr Jones' belongings - a bed, television, computer and stereo - from the flat.

In May 2006 Merton again issued possession proceedings against Mr Jones, and the case was eventually heard in December 2006 in Croydon County Court. Merton claimed that even though Mr Jones was no longer in possession he had originally stayed on as a tolerated trespasser after 11th February 2005 and so was liable for 'rent', or mesne profits, for his occupation up until 25th September 2006 - because he had not formally notified Merton until then that he was no longer in occupation and Merton had not accepted any surrender of the flat from him. The County Court judge found in favour of the Council's arguments and ordered Mr Jones to pay £3,200 to Merton.

At the Law Centre, case worker Beverley Brown and then solicitor Jenny Hunt handled the case for Mr Jones. They instructed Robert Latham of Doughty Street Chambers to appear for Mr Jones in the Court of Appeal. The Court allowed Mr Jones' appeal on the grounds that the County Court judge was wrong to consider that the same principles by which a tenant effected the surrender of his tenancy also governed the circumstances in which a tolerated trespasser secured discharge of his obligation to pay mesne profits to his former landlord. The Court rejected Merton's argument that a tolerated trespasser should be made to pay mesne profits until he had not only given up possession but had also given notification of that to the Council. The Appeal Court ordered Mr Jones to pay Merton £343 for the period up until 15th November 2005 when his final belongings were removed.

Lord Justice Wilson noted that The Housing Law Practitioners Association estimates that there are as many as 750,000 tolerated trespassers in public sector housing in England and Wales, and

added 'indeed a recent survey suggests that in inner London between 10% and 20% of occupants of local authority housing are tolerated trespassers rather than tenants.'

The Housing and Regeneration Act 2008, when it comes in to force, will effectively abolish the 'tolerated trespasser'. In future a secure tenancy (or an assured tenancy) will continue until a warrant for possession has been executed. In the meantime, thanks to Mr Jones and the Law Centre hundreds of thousands of tolerated trespassers will be in a much less vulnerable position.

Housing and Regeneration Act

The Housing and Regeneration Act gained Royal Assent on 22nd July. As well as abolishing 'tolerated trespassers' referred to in the previous report, the Act creates two new regulators: a Homes and Communities Agency, with responsible for funding and a Tenants Services Authority (TSA). Emma Tarran, partner at Trowers & Hamlin in an article for Inside Housing described the legislation as being the most significant change in the regulation and funding of social housing in two decades.

Tenants Services Authority

The Tenants Services Authority will take over the role of the Housing Corporation's Regulatory function. The TSA will now keep a register of providers of social housing and does away with the concept of the registered social landlord. Registered Providers (RPs) may be commercial organisations and can be non-profit or profit-making. The TSA will have the power to set standards for RPs which may deal with allocations, tenancy terms, rent levels, maintenance, complaints, consultation, tenant involvement, anti-social behaviour, etc.

It will have new, stronger and wider ranging enforcement powers to take action over poor performance. New powers include Enforcement Notices, Penalties and Compensation.

Two of the objectives of the TSA concern tenants: it must ensure that tenants have an appropriate degree of choice and protection, and have the opportunity to be involved in its management. Inside Housing report that they have been advised that the TSA is on track to start work in December 2008.

Regulating the private rented sector

The Law Commission published a report, **'Housing: Encouraging Responsible Letting'** in August calling for a new standards watchdog to monitor the condition of private rented property *'because so much of it is in 'poor condition and is poorly managed'*.

The Commission found that the law does not operate as it is intended to, causing the market to slip further into a state of disrepair.

It also calls for:

- Establishing an associated stakeholder board to which representatives of all sides of the private residential rented property sector are appointed.
- Developing a single code of housing management practice for landlords.
- Making landlord accreditation schemes available in every local authority area, and launching a pilot programme for home condition certificates.

This was the third and final report of the Commission's work on housing law reform.

Housing Benefits

Housing benefit for private tenants may have to change following a recent judgement in the House of Lords. The Lords ruled that the rental area used by the rent service in Sheffield was too large, as there were too many variations between its different neighbourhoods. All local authorities have been sent a briefing by the Rent Service to say that it would now be reviewing the guidance it gives to rent officers in the setting of rental areas.

Employment News

Fair Employment Enforcement Board

Establishing this new Board was one of the recommendations in the Department for Business, Enterprise and Regulatory Reform (BERR)'s Vulnerable Workers Forum Report published on 5th August. The Board will co-ordinate the work of Government enforcement agencies covering minimum wage, health and safety, employment agencies and gangmasters

and will be chaired by the Employment Relations Minister. It will however, have no power to make recommendations on new rights or policy changes.

The report follows the TUC's Commission on Vulnerable Employment report published earlier this year. Launching the final Forum Report, Employment Relations Minister and Forum Chair, Pat McFadden said that other recommendations include:

- A single telephone helpline for vulnerable workers to report abuses to the Government's workplace enforcement agencies
- The launch of a sustained campaign, starting this year, to raise awareness of employment rights issues and to encourage workers to report abuses.
- Changing legislation to allow HMRC, Employment Agencies Standards (EAS) and others to share information allowing for more joined-up action on investigations.
- Strengthening the Employment Agencies Standards Inspectorate. The number of inspectors is to be doubled by the end of July, and awareness-raising will be undertaken to raise its profile significantly. BERR is also introducing stronger penalties for agency offences and increasing the investigative powers of the Inspectorate. Measures to strengthen the penalties and investigative powers for the National Minimum Wage are also included in the Employment Bill currently going through Parliament.
- More contact between the enforcement agencies, advice bodies, community groups and others to raise awareness of employment rights and build information about non-compliant employers.

TUC General Secretary Brendan Barber welcomed the Government's response saying that the package represents progress in their campaign for better protection for vulnerable workers. However, an opportunity has been missed to address the legal and regulatory flaws which keep two million workers in conditions which shame a modern economy.

He said, 'With new EU moves on agency working and working time and changes on migrant domestic worker visas, these are worthwhile changes won by union campaigning that will make a real difference to many vulnerable workers whose employers are breaking employment law. But there are also gaps. It is disappointing that ministers are not prepared to extend the coverage of the Gangmasters' Licensing Authority (GLA) to cover other vulnerable sectors such as construction, care and hospitality.' He added, 'Nor has the Government been prepared to examine the legal loophole that deprives many workers from gaining the legal status of an employee, which stops their entitlement to many rights and allows an employer to sack them with no comeback if they attempt to enforce the limited rights they enjoy'.

The Government and TUC will continue to gather evidence on employment rights abuses and ensure that it is doing everything possible to protect vulnerable workers.

The TUC's Commission on Vulnerable Employment's **Survey of Employment Rights Advisers from Citizens Advice Bureaux and Law Centres** was published at the end of August. The survey was conducted by Anna Pollert, Andy Danford, Stephanie Tailby, Nick Wilton and Stella Warren from the Centre for Employment Studies Research at Bristol Business School, University of the West of England.

The paper gives grateful thanks to all the Law Centre Advisors and Managers who gave their time to participate in the research.

Pay for female migrant workers

A study carried out by researchers at the University of Oxford on behalf of the TUC has found that female migrant workers may be more likely than any other group to be paid less than the National Minimum Wage. It found that women who are recent migrants to the UK are 1.5 times more likely than male migrant workers to be paid less than the National Minimum Wage.

Fair Deal on Tips

On 13th June, the High Court ruled in HM Revenue & Customs' favour by supporting current National Minimum Wage legislation relating to tips, in the case of Annabel's restaurant and night club. The decision is good news for the UK's restaurant and bar workers. It means that employers have to pay their staff at least the National Minimum Wage regardless of any tips, gratuities, service or cover charges, so long as the tips are not paid directly through the employer's payroll.

HMRC argued that payment via a 'tronc' (an independent tips distribution scheme) does not count towards the National Minimum Wage. The Judge determined that where restaurant or bar service charges are paid by the customer to the employer, but are then paid into a 'troncmaster's' bank account for distribution in accordance with a 'tronc' scheme agreed between the troncmaster and employees, the sums so distributed to employees are not 'paid by the employer' for the purposes of being included in any National Minimum Wage calculation.

At the end of July, the Government announced plans to amend regulations so that tips can not longer count towards the National Minimum Wage. A consultation is expected in the autumn. This will be followed by guidance for both workers and employers when the regulations are changed in 2009.

The **National Minimum Wage** for adult workers will increase from £5.52 to £5.73 from October 2008, with the rate for 18-21 year olds increasing from £4.40 to £4.77 and the rate for 16 and 17 year olds going up from £3.40 to £3.53.

Equal Pay

On 29th July, thousands of female council workers won an important victory at the Court of Appeal in their fight to be paid the same as male colleagues. The women, working mainly as catering and care staff, objected to the 'pay protection' schemes used by Redcar and Middlesbrough councils to soften the blow of removing attractive bonuses paid to overwhelmingly male staff.

Giving judgment in *Redcar and Cleveland Borough Council v Bainbridge* [2008] EWCA Civ 885, Lord Justice Mummery said the bonuses paid to male gardeners, rubbish collectors and street cleaners could be substantial. In the case of gardeners it amounted to an uplift of 40 per cent.

Lord Justice Mummery said that there are thousands of equal pay claims pending in employment tribunals, principally against local authority employers and NHS Trusts. Their outcome is likely to be affected by the rulings on these appeals.

Rachel Crasnow, equal pay specialist at Cloisters, said: *'Pay protection, a process whereby pay was tapered downward on a sliding scale year on year for a set period, was used as a means of 'selling' the removal of attractive bonuses and was designed to act as a soft landing for workers whose pay was being decreased. But this form of pay protection actually reinforced the pre-existing sex discrimination in the workplace because it meant that male employees were in effect receiving the same discriminatory bonuses, just under a different label. In essence, the women were being discriminated against again. In this case Ms Bainbridge and her colleagues argued not that the pay protection is wrong, but rather that they should also benefit from it, since had they been paid what they should have been, they too would have suffered a loss of income.'*

In January 2008 the Equality and Human Rights Commission applied to 'intervene' in this case, in the interest of making arguments to the court to clarify the law on the issue of transitional arrangements - and set a precedent that could help deliver equal pay faster.

John Wadham, Legal Group Director at the Commission said, *'The quagmire of equal pay in local government needs to be ended now, and the thousands of women involved deserve money in their pockets now. Practical and fair transition arrangements are necessary but it right that we set a strict test for when these arrangements can be justified.... Litigation is not enough. We need other tools to deliver change, including negotiated settlements'*.

The Commission estimates that the total number of claims could rise to over 150,000 in the coming years.

Flexible Working

The Department for Business Enterprise and Regulatory Reform (BERR) has now published a consultation on implementing the recommendations of Imelda Walsh's Independent Review of 26th August. The Consultation is about amending and extending the right to request flexible working to parents of older children.

The consultation covers:

- extending the right to request contract variations to parents with children under 16 (it is currently parents of children under 6)
- methods of raising awareness of the right to request flexible working amongst the workforce;
- methods of making it easier for employers to deal with requests.

Copies of the paper can be found at: berr.gov.uk/publications or on the LCF Members website under 'Resources' and then click 'Employment'.

Deadline for responses: 18th November.

Responses can be emailed to Alan Martin at: workingparents@berr.gsi.gov.uk. This is part of the Employment Relations Directorate at BERR.

Employment Working Party

Wednesday, 24th September 2008

2.00 p.m.

LCF Offices, 293-299 Kentish town Road,
London NW5
(nearest tube Kentish Town Road)

A chance to discuss the Equality Bill and exchange news and information

Contact: Philip Tsamados,
Central London Law Centre at
philip@londonlawcentre.org.uk

Immigration News

Immigration and Citizenship Bill

The draft Immigration and Citizenship Bill was published in July. The draft Bill proposes the introduction of uncompromising new powers for officials to examine, detain and remove migrants from the UK, with significant human rights implications.

The draft (partial) Bill is the first step towards the simplification of legislation in this field through an Act which is intended to supersede all immigration laws since the Immigration Act 1971. It fits within the Home Office's 'managed migration' strategy, and as such its provisions are geared towards securing strong borders, enabling select migration and inscribing 'earned citizenship' into British law.

The Migrants Rights Network (MRN) has outlined the key measures in the draft Bill. The aim of the Bill is to 'simplify' key immigration concepts, most significantly combining 'leave to enter', 'leave to remain' and 'entry clearance' into the new category of 'permission' to be in the UK; combining current concepts of 'revocation', 'curtailment', 'variation' and 'cancellation' of leave into a single 'cancellation of permission' category; and replacing 'removal' and 'deportation' with the new category of 'expulsion'. 'Temporary admission', 'temporary release' and current bail processes for undocumented migrants would all be replaced by 'immigration bail'.

New measures outlined in the draft Bill include extended powers to examine and detain migrants, and 'immigration bail' introduced for those in or awaiting detention in conjunction with the use of electronic tags. Tough measures against employers of undocumented migrants (introduced in February this year) and carriers (e.g. airlines and shipping companies) of undocumented migrants into the UK are also included in the draft Bill. It is notable that the draft Bill confers significant powers to the Secretary of State in relation to the Asylum and Immigration Tribunal, on issues such as the granting of immigration bail.

The 'path to citizenship' proposals, which introduce the new category of 'probationary citizenship' - a minimum 1-year period during which migrants must 'earn' their right to British citizenship - are set to become law if measures contained within this draft Bill are approved. Probationary citizenship will effectively extend the current length of time to become a British citizen - a period which may be shortened by involvement in community 'activities' and lengthened by criminal activity. Measures in the draft Bill to reshape British citizenship have been virtually unaltered from the proposals in the Green Paper released earlier this year, despite the criticism they then received from a number of equality and human rights organisations, including MRN.

Initial consultation with the Immigration Law Practitioners Association (ILPA) and other civil rights and advocacy groups indicates that there is widespread concern about the potential impact of new measures as outlined in this partial Bill. Although changes which would improve the efficiency and clarity of the immigration system are welcomed, the implications of these sweeping changes may well be the curtailment of specific rights and freedoms granted by existing immigration laws. The missing sections of the draft partial Bill, due for release in the coming months, will outline the remaining crucial pieces of the new legislative jigsaw - plans for Government powers of surveillance, powers to 'lock down identity' (through biometric data-sharing) and access to public services and benefits for migrants in the UK. These details will be critical and controversial elements of the new era of immigration control in the UK, with substantial implications for the rights of migrants and civil liberties in the UK more broadly.

It is crucial that civil society and public bodies scrutinise the new measures and criticise measures which will side-step human rights in favour of immigration control. The current Home Affairs Committee Inquiry into the Points-Based System has been extended to invite comment on the draft (partial) Bill.

Home Affairs Committee

Later in July, the Home Affairs Committee extended the terms of reference of its inquiry, 'Managing Migration: the Points-Based System' to allow for detailed scrutiny of the Government's draft (partial) Immigration and Citizenship Bill. The Committee intends to take oral evidence on the draft Bill in the autumn, ahead of its introduction in the next parliamentary session. The Committee will consider the following proposals:

- Strong borders (including modernising border powers and carriers' liability and powers to cancel visas abroad)
- Selective migration (including the introduction of 'permission' for migrants, replacing notions of leave to enter, leave to remain and entry clearance, and a single power of expulsion)
- Earning the right to stay (including new requirements for citizenship and an automatic ban on returns with new powers to exclude criminals and immigration offenders)
- Playing by the rules (including the introduction of 'bail bonds' for those awaiting detention or expulsion, 'immigration bail' as an alternative to detention, revised sanctions for breaches of immigration law, and a simplified appeals system) and
- Managing any local impacts (including simplification of legislation on access to benefits and services)

A study to be published in September by the Institute for Public Policy Research (IPPR) will argue that central government, local authorities and employers have underestimated the economic benefits of migration. Discussion about local economic impacts is focused on 'just a few issues' such as public services and wages and neglects positive contributions that migrants bring to local economies. These include how migration improves the mix of skills in an area, increases an area's diversity and changes the size and productivity of local economies.

The Committee chaired by Keith Vaz MP, is seeking written submissions of no more than 2,500 words from interested parties, before it takes oral evidence on this inquiry. Law Centres interested in making written submissions are invited to do so by Wednesday 17th September.

Immigration appeals: fair decision, faster justice

The UK Border Agency published this consultation on proposed reforms to the immigration appeals process on 21st August. The reforms are designed to streamline the system. The Government believes that once fully implemented, the reforms could reduce the amount of time taken for asylum appeals by nine weeks.

Under the Tribunals, Courts and Enforcement Act 2007, two new Tribunals will come into being later this year with the first wave of transfers into the new structure. Immigration appeals could be dealt with in the Upper Tribunal either by a separately constituted asylum and immigration appeals chamber or within the proposed administrative appeals chamber. The Upper Tribunal will be a superior court of record and its judges will include High Court judges. The Government has been advised that except in the most exceptional circumstances, decisions of the Upper Tribunal will not be subject to judicial review.

Once the First-Tier have made their decision, the only route to challenge this decision must be by an appeal to the Upper Tribunal. The First-tier Tribunal would not be able to review its decision once the decision had been made.

Permission will only be granted where the Upper Tribunal believe that the First-tier Tribunal has made an error of law and there is a real possibility that the Upper Tribunal would decide the appeal differently. It is for consideration whether permission applications should always be dealt with on paper, whether there should be a right to a permission hearing, or whether an intermediate position should be adopted whereby a hearing may take place if directed by a judge (but not at the request of either of the parties). If the Upper Tribunal find no merit in a permission application, that will bring the statutory appeals process to a close.

The government say that they have identified the possible need for primary legislation. However, they say that it would be possible to transfer the Asylum and Immigration Tribunal into the new tribunal structure and to implement the bulk of our proposals without primary legislation. This could be done as early as June 2009. The changes to primary legislation would

be brought forward in the 2008-09 Parliamentary session with the final proposals being implemented soon after such legislation receives royal assent.

Deadline: 16th October. Responses should be sent to: Andrew Elliot, Immigration Appeals Consultation at the UK Border Agency

A copy of the consultation is on the Members' site of the LCF website and can be found on the UK Border Agency's website at:
ukba.homeoffice.gov.uk/aboutus/consultations/current/

National Immigration & Asylum Team (NIAT)

NIAT has been set up the Legal Services Commission and works closely with the Immigration Policy Team. The team makes decisions on applications submitted by providers for further funding in the following categories: Controlled Work and Full Representation\Certificated Work including all immigration and asylum judicial review, appeals to the Court of Appeal and the House of Lords. NIAT solicitors will also consider the merits of granting higher levels of funding in Higher Court matters. The number to call is 0207 718 8091. To fax an urgent application dial 0207 718 8092.

The Immigration Policy Team deal with the immigration accreditation scheme and related queries, policy matters in relation to publicly funded immigration and asylum cases and developments and changes in public funding arrangements for immigration and asylum cases.

Asylum Seeker Charges for NHS Treatment

A recent High Court ruling has found that failed asylum seekers can in certain circumstances, be considered to be ordinarily resident in the UK and therefore not be subject to charges for any NHS hospital treatment.

NHS hospitals have been advised that they must consider whether each failed asylum seeker they treat passes the ordinarily resident test, in the same way as they should for any other patient. This does not mean that all failed asylum seekers are now automatically entitled to free treatment, but that they may be. The Department of Health is appealing the decision, but is considering the position of charging failed asylum seekers for hospital treatment separately in a joint review of access to the NHS, with the Home Office, proposals of which are due to go out to public consultation shortly.

Unreasonably Destitute

The latest report by Asylum Support Appeals Project shows that some categories of refused asylum seekers are forced into destitution through no fault of their own, because UK Borders Agency is enforcing unreasonable and impractical eligibility criteria for section 4 support. The report, 'Unreasonably Destitute', investigates the effect of one of the most demanding Section 4 eligibility criteria, Regulation 3(2)(a), which requires applicants to prove they have taken 'all reasonable steps to leave the UK'. The report examines the difficulties individuals face while attempting to meet this criterion and demonstrates how they remain unable to meet it, in some cases for years, despite their best efforts. The report also makes recommendations which will make the provision of Section 4 support more reasonable.

Sue Willman, Chair of ASAP and partner at Pierce Glynn Solicitors said *'This report highlights ASAP's growing concern for the large number of former asylum-seekers who are refused access to food, shelter or the right to work, even though they cannot leave the UK through no fault of their own. The Home Office has just announced plans to tighten up the rules, which will force even more people into inhumane destitution.'*

ASAP represented 246 people at the Asylum Support Tribunal in 2007, and over 90% of its work relates to Section 4 support. More information and hard copies of the report can be obtained by contacting Gerry Hickey at ASAP at Gerry@asaproject.org.uk or calling 020 8686 1888.

Sponsor Licences

The UK Border Agency (UKBA) anticipate that the new points-based system will be fully introduced at the end of November 2008 when they will be launching the skilled worker tier (tier 2) and the temporary worker tier (tier 5). Employers will need a sponsor licence to bring in skilled or temporary workers from outside the European Economic Area or Switzerland.

The Borders Agency is recommending that employers make applications for a sponsor licence by 1st October.

Charter for Rights of Women Seeking Asylum

The Charter, initiated from the Refugee Women's Resource Project at Asylum Aid outlines a basic framework of principles that the U.K. Border Agency should follow in dealing with women in the asylum process. It recommends actions that UK Borders Agency (UKBA) should take to ensure that these principles are followed.

It's been reported that despite UKBA publishing guidance to Case Owners on the handling of claims from women, there continues to be evidence that these are not in practice followed. This was highlighted in the recent UNHCR Quality Initiative summary of findings on the Detained Fast Track which observed: 'In addition UNHCR has examined the assessment of gender specific issues in Yarl's Wood decisions. UNHCR notes that some Case Owners do not appear to possess the necessary skills and expertise to ensure that the full range of gender related claims are recognised in asylum decisions. UNHCR recommends that all DFT Case Owners receive training on the correct identification and assessment of gender issues in asylum claims'.

The Law Centres Federation has become a signatory to the Charter and joins the other 80 signatories in calling upon the UKBA to commit *'to treating women seeking asylum with fairness, dignity and respect, based on a fundamental recognition of their human rights and of their particular experiences of persecution.'*

If you are interested in finding out more about the Charter and/or wish to endorse it, go to the Asylum Aid website at: asylumaid.org.uk.

Welfare Rights News

New Green Paper

James Purnell, Secretary of State for Work and Pensions launched the Green Paper, **'No one written off: reforming welfare to reward responsibility'** on 21st July. The purpose of the proposals is said to be to 'simplify the bewildering complexity of the benefits system'.

The aim of the proposals he said is: 'First, to end the idea there is a choice between claiming and working. Instead, the longer people claim, the

more we will expect in return. At three months and six months claimants will intensify their job search, and have to comply with a back to work action plan. After a year, they will be transferred to an outside provider, who will be paid by results. Claimants will have to work for their benefits for at least four weeks - and longer if the provider requires it. For the 2% who we anticipate to be still out of work after 2 years, we will explore mandatory full-time work programmes, and other approaches such as daily signing.

'We will give our advisers the power to use full-time work as a sanction at any stage of a claim for those who are abusing the system. We will improve treatment for those who have a problem with crack cocaine and opiates, but require them to take up that treatment.'

'The second goal is to ensure that no one is written off. We will migrate everyone from Incapacity Benefit (IB) on to Employment Support Allowance (ESA) between 2010 and 2013, with personalised support based on our successful Pathways programme. We will review the medical test to ensure that it reflects the latest evidence that work is generally good for people's well-being, and we will re-assess all existing claimants to ensure that they are on the right benefit for them. For the vast majority, ESA will be a temporary benefit, not a permanent snare.'

'Those who are ready to work will move on to Job Seekers Allowance. Those with the greatest needs will get a higher benefit rate, up from £86.35 to £102.10, and will be able to volunteer for Pathways to Work. We will increase funding for our specialist training programmes and for supported employment. Everyone else will get personalised help, based on Pathways, to get them back to health and back to work. But they will be required to take up this help, and look for work where a doctor recommends it.'

'Our third goal is to transform the rights of disabled people. Disabled people don't want to be told that they can't work. Instead, they want society to remove the discrimination that makes it harder for them to work. So, we will double the Access to Work budget - paying for Sign Language interpreters, specialised IT or help with mobility.'

Networking..

'The fourth goal is to strengthen parental responsibility. For the first time, we will allow parents on benefits to keep all their maintenance payments. And we will require both parents to register the birth of their child. Together with our changes to lone parent benefits, we estimate these welfare reforms will lift 200,000 children out of poverty.'

The consultation period ends on 22nd October 2008.

Not all MPs support the proposals, **John McDonnell**, a Labour MP under a heading, **'New Labour attacks welfare . . . again'** described the proposals as introducing *'compulsory community service for those on unemployment benefits (equating benefit entitlement with criminality), and a range of punitive measures for people on Incapacity Benefit.'*

'At a time of increasing unemployment such draconian measures will not only prove counter-productive, but the requirement for forced labour and the greater harassment of disabled people is a moral disgrace.'

'Allowing the private sector to make money out of the unemployed and those on Incapacity Benefit is a step further than even the Governments of Thatcher or Major went.'

'The Government has sacked 30,000 staff in the Department for Work and Pensions (DWP) since 2004 and now it is proposing to give more of their jobs to the private sector through letting private companies deliver welfare programmes.'

Welfare Action Network in Sheffield (SWAN) spoke even more strongly against the proposals saying,

'It is clear, as was predicted by SWAN and others, that we are moving towards a US style minimal, high surveillance and invasive welfare system: many of these reforms are very coercive indeed, the levels of conditionality and sanctions extreme and also are predicated on a buoyant job market. This is now looking unlikely as a recession hits. It is likely it will become Treasury led as a vehicle to reduce public expenditure and will increasingly be about getting 'welfare costs' lower.'

Paul Farmer, Chief Executive of **MIND**, said: *'People with mental health problems have the*

highest want to work rate of any disabled group but they need help and support to be able to do this successfully. The Government's proposals offering personalised support are a definite step forward but it comes with a catch. By introducing increased conditionality and tougher sanctions people some people may be pressured to return to the workplace before they are ready for fear of being left without any income at all. Facing this stark choice will undoubtedly cause them further distress and there's a high chance their condition could deteriorate in the long-run.'

'Encouraging people to go back to work is only part of the deal. The biggest barrier is the attitude of employers to people who have mental health problems, not the attitude of people with mental distress to employment. The Government needs to take action to ensure that employers fulfil their part, and provide a supportive work environment free from stigma and discrimination.'

Chris Brace, Campaigns Director of **Radar** said: *'We welcome the doubling of funding for Access to Work. The scheme works and makes a positive return for every pound spent, but only some 25% of employers know about it and any upscaling of funding must be combined with a programme to ensure greater awareness. The more employers that know, the greater return in terms of meaningful jobs there will be. Individual budgets or direct payments, which are already used in social care, could be very useful in return-to-employment schemes.'*

Medical Assessments

The Department for Work and Pensions (DWP) uses **Atos Healthcare's** medical assessments to help them consider claims for sickness and disability benefits. These include: Incapacity Benefit, Disability Living Allowance, and Industrial Injuries Disablement Benefit. Over two million cases are referred to them each year. Atos Healthcare is part of Atos Origin, a huge international information technology services company. It is a NHS partner for change.

In July, the President of Appeal Tribunals criticised the DWP for having made no improvement in the standard of decision making in the last ten years and criticised Atos doctors for failing to listen to claimants.

The President revealed that the number of appeals has gone up from 217,000 a year to 229,000 and the proportion of appeals that succeed has remained at around 37%. (It should be noted that this includes all benefits and child support cases and all paper hearings, the success rate at DLA and incapacity oral hearings is considerably higher). What is more, the President bemoans the fact that the same problems and errors are repeated year after year with no sign that anyone takes any notice of feedback from tribunals.

He claims that the main failings of the DWP are:

- A continuing decline in the number of presenting officers attending hearings to put the department's case and pass on feedback to decision makers.
- Failure to collect all the necessary evidence, especially by simply talking to the claimant.
- Failure to carry out proper reconsiderations when a decision is challenged.
- Medical reports underestimating the severity of the claimant's disability.
- Failure to listen, or give credibility, to the evidence provided by claimants.
- Decision makers lacking the necessary understanding of how to decide how much weight to give to a medical report.
- Failure to set up systems that allow people with particular disabilities, such as sensory impairments and mental health problems, to make effective use of the claims and appeals process.

In relation to DLA, out of a sample of 365 successful appeals, medical evidence was supplied by Atos in 302 cases. Sixty one of the medical reports were considered to have underestimated the severity of the disability whilst thirty eight did not address all the issues. Tribunal chairs also criticised medical reports that 'did not coincide with reality' and considered that it was the fact that tribunals took time to question appellants about their history and care and mobility needs which led them to a different conclusion from the decision maker's.

In relation to the personal capability assessment of incapacity for work, tribunal chairs told the President that the major problem was an even greater likelihood than with other benefits for both examining doctors and decision makers to

refuse to believe evidence given by the claimant.

In addition, they highlighted the inability of the system to deal with mental health conditions effectively. In particular:

'Criticism was made of Atos Healthcare medical practitioners who did not appear to pay sufficient attention to the appellant at the medical examination and who produced findings in medical reports based on observations that were inconsistent, or recorded in the medical report findings that were contradictory.'

The continuing frustration with the failure of the DWP and Atos Healthcare to produce consistently reliable evidence and decisions shines out in the President's report. With the introduction of even more complex medical tests under the work capability assessment from late October 2008 there is every likelihood that the situation will get worse, rather than better, in the coming months and years.

Atos say that their performance is measured each month against key performance indicators that include the quality of the reports, claimant satisfaction and value for money.

'We work closely with the DWP to support its agenda of "Work for those who can, and support for those who cannot". And we are working with the DWP to introduce the new Employment and Support Allowance benefit in 2008.'

Note: The payment of Employment and Support Allowances begins on 27th October.

Pension Credits

People over 60 are being urged to claim Pension Credits before 6th October. Claims made before this date may entitle people to a year's backdated Pension Credit. Claims can be made over the phone on 0800 99 1234. An online Pension Credit calculator is available at: thepensionservice.gov.uk/pensioncredit/calculator

Winter Fuel Payments

The deadline for people claiming Winter Fuel Payments is March 2009 but the government is urging people who have not claimed before to do so earlier 'to make sure they receive the payment before Christmas.'. For households with someone aged 60-79 the Payment will be £250 and for those with someone aged 80 and over £400. Anyone aged 60 or over on or before 21st September may qualify.

Direct Payments

The Department of Health has published a consultation paper on Direct Payments Regulation. The Health and Social Care Act 2008 extends the availability of direct payments to those people who lack the capacity to consent to their receipt. In addition, the government is also reviewing the current exclusions to receiving direct payments for those people who are subject to various provisions of mental health legislation in light of the modernisation of mental health law brought about by the Mental Health Act 2007. The Government is now consulting on regulations relating to these two changes.

The Consultation can be found on the Department of Health's website:
dh.gov.uk/en/Consultations/Liveconsultations/DH_087108

Email Extending Direct Payment on:
extendingdirectpayments@dh.gsi.gov.uk
 Deadline for responses: 11th November.

Child Maintenance Act 2008

The Child Maintenance and Other Payments Act 2008 has now received Royal Assent and provides for the introduction of a new system of child maintenance and the creation of a Child Maintenance and Enforcement Commission (C-MEC) in place of the CSA. It is expected that C-MEC will begin to deal with new applications from 2010/2011 and that all clients will be subject to a single set of rules, managed by a single organisation from 2013/2014.

Shorts

Irresponsible lending

The Office of Fair Trading (OFT) launched a public consultation on the 1st August on the scope of its project looking at irresponsible lending in UK consumer credit markets. The consultation follows major changes to the Consumer Credit Act, which include the identification of irresponsible lending as a matter to which the OFT must have regard when it considers businesses fitness to hold a consumer credit licence.

The Consumer Credit Act 2006 which came into force in April 2008 sets out a new framework and responsibilities for the OFT in administering the consumer credit licensing regime. Among a number of important changes, the Act introduces two concepts which have a particular bearing on the issue of responsibility in lending. These are the consideration of credit competence in the assessment of fitness and the explicit identification of evidence of irresponsible lending as an unfair business practice. Both elements may be taken into account by the OFT when assessing the fitness of licensees and applicants to hold a credit licence. The consultation can be found on the OFT's website at: oft.gov.uk. The closing date for responses is 24th October.

Consumer Focus

A new body, Consumer Focus is being set up by the government to protect the rights of consumers. It is being created as part of the Consumers, Estate Agents and Redress Act that received Royal Assent in July 2007 and will start work on 1st October.

Consumer Focus has been through the merger of the National Consumer Council, Energywatch and Postwatch. *'As an organisation working in a devolved setting, Consumer Focus's policy and work areas will vary across different parts of the country, but they will all work to common strategic goals.'* It will have stronger statutory powers and a wider remit.

Other complementary changes are also coming into force in October 2008 as part of the Act:

- Energy and post companies will have to comply with strong new complaint handling standards drawn up by the regulators Ofgem and Postcomm
- New redress schemes or ombudsman will resolve energy and post complaints where suppliers and service providers have been unable to do so, and provide compensation for consumers where it is appropriate.

Consumer Focus is not to be confused with Consumer Direct which works with Local Authority Trading Standards Services.

Creditors urged to give debt advice information

The government is putting proposals to change civil procedure rules to the Civil Justice Council and the Civil Procedure Rule Committee. They will require all creditors to give people who owe them money, information on how to contact them to discuss problems, and details of independent free advice providers in a letter before taking legal action.

Proposals include:

- creditors should be required to issue a letter before action containing prescribed information about how debts could be paid and a list of sources of advice;
- creditors should allow debtors sufficient time to obtain debt advice, where appropriate; and
- confirmation of pre-action behaviour should be included in the particulars of claim.

Since July, posters giving details of free advice providers have been displayed in all county courts to assist those currently having debt problems. A similar list will also appear later in the year on the online claim form 'Possession Claim on Line' used by creditors.

The Office of Fair Trading (OFT) has introduced an information sheet that provides options for dealing with debt problems and details of advice providers. Under recent changes introduced by the Consumer Credit Act 2006 creditors must provide those in arrears, in certain types of cases, with a copy of this sheet.

Forced Marriages Act

The Forced Marriages Act will be implemented on 25th November to coincide with White Ribbon Day. Justice Minister, Bridget Prentice said that on top of current criminal protection, the Act will provide civil remedies to protect victims or potential victims of forced marriage. Members of the public seeking advice, help and support on honour-based violence can call the joint Home Office/Foreign Office Forced Marriage Unit on 020 7008 0151.

Southall Black Sisters win High Court funding battle

In July, Southall Black Sisters, a not-for-profit organisation which advises black and Asian victims of domestic violence in west London, won its funding battle with conservative-controlled Ealing Council.

The council cut its grant to the group, arguing that it wanted to spend the £100,000 on services which helped victims from all ethnic backgrounds. Louise Whitfield, solicitor at the Public Law Project, represented the Sisters in the judicial review.

Ms Whitfield said, *'The council failed to properly consider the inevitable adverse impact of using the same level of funding for a service for all women that was previously providing a specialist service for only a proportion of women in the borough. Their decision was not supported by the evidence available as to the needs of women in the borough.'* She said that the council had failed to follow its own policy on how it should carry out impact assessments, one of its duties under the Race Relations Act.

'The legal challenge related to both their failure to meet their general duty under the Act (to eliminate race discrimination, promote equality of opportunity and good race relations), and to follow their own impact assessment guide.'

A spokeswoman for Ealing Council said: *'Ealing Council defended this case because it believes that all women in the borough, regardless of ethnic background, should have equal access to domestic violence services. This principle remains, but the process has highlighted areas of the law that are unclear and open to many different interpretations.'*

This victory, secured halfway through the judicial review proceedings that the Sisters had brought against Ealing council, is good news not just for the voluntary organisation but also for other minority groups embattled in funding disputes. There is however no guarantee that the council will revert to last years funding level.

Local authorities will now watch out for clearer guidance as to how they will be expected to balance their respective duties to their tax-paying constituent bases on the one hand and to specialist groups on the other.

Given the shift in migration patterns with a new wave of migrants from countries in the former Eastern bloc, this could spell a whole new approach to local funding. It may not be unconceivable, for instance, for organisations representing women from Central and Eastern Europe, to bring claims under the Race Relations Act. And it is unlikely that local authorities will have budgeted for that.

It is interesting to note that the United Nations Committee on the 'Convention on the Elimination of Discrimination against Women' (CEDAW) in its report published on 29th August observed:

. . . . that changes in the allocation of Government funding from needs-based to 'commissioning' frameworks, and the gender neutral interpretation of the Gender Equality Duty, have negatively impacted on funding to women's organisations and the provision of 'women-only' services, in particular domestic violence shelters and rape crisis centres. Despite the establishment by the Government of an interim short-term emergency fund, the Committee notes with concern the impending closure of a number of rape crisis centres, as well as of domestic violence shelters, women's health organisations and black, minority and ethnic women's organisations.

This is an extract from the concluding observations of the of the United Kingdom of Great Britain and Northern Ireland at its' 41st session held from 30th June to 18th July 2008

The report can be found at:
un.org/womenwatch/daw/cedaw/



Get Fair Campaign

The Law Centres Federation has joined the Get Fair Campaign - a national coalition campaigning to end poverty in the UK. There are over 50 members of the coalition and they include the British Institute of Human Rights, Carers UK, Disability Alliance, Help the Aged, Mind, Refugee Council, Save the Children and Shelter.

The campaign calls on all political parties to commit to concrete measures to ensure everyone in the UK has an income that meets minimum living standards, affordable housing and decent neighbourhoods and fair access to services, without discrimination.

We need you to get involved Register your support for Get Fair Sign

According to the government's own statistics 12.8 million people are living in poverty and the campaign reports that the gap between rich and poor is widening:

- 43% of all UK adults are worried about their lack of money;
- 40% of part-time workers in the UK - mostly women - earn less than £6.50 an hour;
- 32% of children in the UK live in poverty half in working families;
- 30% of disabled adults live in poverty - double the rate for non-disabled adults;
- 17% of older people in the UK live below the poverty line.
- 14% of homeless households have been in temporary housing for two years or more.

Events

The campaign will focus on activity in the run up to the next General Election. This approach will achieve maximum profile and engagement with supporters, civil society groups and the wider public.

A media event '**Spotlight on Poverty**' will take place on 8th September. This will launch the campaign nationally and open a dialogue with MPs and party manifestos locally.

On Saturday 4th October, a '**Keep the Promise, End Child Poverty**' rally will take place in Trafalgar Square in London. For details visit the End Child Poverty website at: endchildpoverty.org.uk/promise.

The rally will be followed by an Action Week next year, '**Poverty Monologues**' which will start on 9th February. This will highlight real life stories of how poverty impacts on the lives of people across the UK. Lobbying and various events will continue during the spring. More information will be available later in the year.

How can your Law Centre get involved ?
Visit: getfair.org.uk to find out.....

Funding News

The LCF website has a list of potential charities and trusts that may be able to help fund specific pieces work. Go to: lawcentres.org.uk and log on to the Members' site, click 'Resources' and then 'Funders' to browse through the list. Some highlights are below.

The Diana, Princess of Wales Memorial Fund

The Diana, Princess of Wales Memorial Fund has announced the launch of a new grant scheme for organisations working with young refugees and people seeking asylum. The programme, born out of the Fund's £10 million Refugee and Asylum Seekers Initiative, will offer support to community organisations across the UK who work to provide advocacy and other direct services for young refugees and asylum seekers. Closing date: 12th September 2008. For information visit: theworkcontinues.org.

Grassroots Grants

Grassroots Grants is a £130 million programme that aims to invest in a thriving community sector. It is funded by Office of the Third Sector (OTS) and delivered by the Community Development Foundation (CDF). The programme, runs from 2008-2011 is divided into two parts: an £80 million small grants fund for community organisations; and a £50 million endowments programme to enable local funders to generate additional donations on a matched basis and invest them in endowments, thereby building their capacity to provide long-term funding for frontline community organisations.

Local funders will distribute grants of up to £5,000 to small community and voluntary groups in both urban and rural settings across England - with the potential to reach out to new projects and communities that have not previously received funding. You can access Grassroots Grants via your local funder. Visit CDF website for contacts: cdf.org.uk. The Grants Programme opened on 4th September.

City Parochial Foundation

City Parochial Foundation aims to enable and empower the poor of London to tackle poverty and its root causes, and to ensure that funds

reach those most in need. Their guidance to 'Tackling Poverty in London' 2007-2011 is now on their website. Closing date: 25th October 2008. For more information visit: cityparochial.org.uk/cpf/grants/

Grant in Aid Funding Programme

HM Revenue and Customs (HMRC) is making the cash available over the next three years for their Grant in Aid Funding Programme, which funds groups to provide advice and information about tax entitlements, as well as enabling them to increase the take up of schemes such as Tax Credits.

The scheme offers a range of support, providing small grants of £20,000 to locally-based organisations, right up to £250,000 funding for major national-scale projects. Originally targeted at supporting voluntary and community organisations, the scope of the scheme has been widened, with funding now available for charities, social enterprises, cooperatives and mutual societies. The programme has a number of key aims, including ensuring hard-to-reach people get the right entitlements and pay the correct amount of tax.

The 2009-10 funding round is expected to open to applications in October. Visit: hmrc.gov.uk/vcs/funding-streams.

The Compact

A consultation is currently taking place on Compact and where its future lies. Some are arguing for the Compact to be legal binding, others suggest that it just needs to be simplified and re-drafted. There are also issues about what kind of organisations it should cover such as social enterprises and mutual and co-operative organisations.

A discussion paper was published in August by the Compact Commission and can found at: thecompact.org.uk. Deadline for views is 10th November.

NCVO have prepared a briefing which is available on their website: ncvo-vol.org.uk

Information about the Compact together with guidance about Full Costs Recovery is on the LCF members' site under 'Policy and Procedures' and then 'Finance and Funding'.

Conferences

Towards Equality Conferences 2008

PROGRESS Towards Equality events are taking place across the UK. Funded by the European Commission, these events aim to bring together a wide range of information and advice givers to: increase awareness of discrimination and human rights, what people's rights are and who can help to take action, increase networking among a range of equality and advice groups to counter discrimination and increase awareness of European Union campaigns to promote diversity and combat discrimination and identify issues requiring action by the Equality Commissions in the UK and the European Commission.

The dates are 17th September at The Village Hotel & Leisure Resort in Cardiff, the 13th October at the Friends Meeting House in Manchester and finally on 30th October at The Resource Centre in London.

A booking form can be downloaded from the LCF website: lawcentres.org.uk and log on to the Members' site. If you would more information, please call Flora at the LCF on 020 7428 4410.

Judicial Review - Trends & Forecasts

Conference organised by the Public Law Project and sponsored by Blackstone Chambers taking place on Thursday 16th October. Cost: £280 + VAT (£329) full price / £190+VAT (£223.25) concessions. Group discounts available. It takes place at: Herbert Smith, Exchange House, Primrose St, London EC2A

Speakers include Michael Fordham QC, Mr Justice Collins, Stephen Grosz, John Halford, Beverley Lang QC, Kate Markus, Prof Maurice Sunkin, Karen Ashton, Nigel Giffin QC and Sir Henry Brooke, Murray Hunt, Nathalie Lieven QC, Simon Cox, Varda Bondy, Edward Jacob, Andrew Lidbetter and David Wolfe.

Detail from PLP at: publiclawproject.org.uk or call Hannah on 020 7697 2196 or email: h.jones@publiclawproject.org.uk.

CLS Support Conference

Advice Services Alliance's CLS Support will be holding a conference in Birmingham on 27th November 2008 to help advice agencies prepare for their future. *This is just week after our own LCF conference starting on the 21st.*

The Legal Services Commission plans to replace the current Unified Contract for family and civil legal aid in April 2010. The LSC wants to move towards fewer, larger contracts, and is likely to require Not-for-Profit contract holders to deliver services across a range of social welfare law categories and cover the full range of work from Legal Help to Licensed Work. As things stand, NfP agencies wanting a contract from April 2010 will need to bid in May - June 2009 so agencies need to start preparing now.

Further information is on the ASA website. Visit: asauk.org.uk and click 'CLS Support'.

Note: ASA has issued their autumn training programme. Details on their website.

Legal Aid: The Next Five Years

This Legal Aid Practitioners Group Conference takes place on 10th October at the Guoman Tower Hotel in London. Speakers include Lord Hunt, Carolyn Regan Chief Executive of the LSC and Steve Hynes Director of Legal Action who will be taking part in a debate about the future of legal aid. Cost for members will be £175 exclusive of VAT. Visit: lapg.co.uk for further information.

The Welfare State: 60 years on

Child Poverty Action Group (CPAG) conference will take place on 4th September at The Resource Centre, 356 Holloway Road, London. There will be workshops covering the latest changes in welfare reform and a panel discussion, which will focus on what policies we need to address the giants: poverty; employment; housing; education; health and any new giants of today.

Keynote Speaker - Fran Bennett: Senior Research Fellow, Department of Social Policy & Social Work, University of Oxford

For more information and booking go to: cpag.org.uk/training/conf_2008

Training

LCF Training Programme

The LCF are in the process of finalising their Autumn 2008 - Spring 2009 training programme. All training is specifically tailored for Law Centres based on an analysis of their needs to assist with organisational and individual development. Amongst the training is an updated five day Accredited Management Development Programme which will be available to all Law Centres, in the Regions as well as London, together with a comprehensive Governance training programme for all Management Committee members.

Details of LCF's new training programme will be circulated to all Law Centres shortly. Details can also be found under 'Courses' on the members' site of the LCF website.

Please contact Minaxi Panchal on 020 7428 4413 or Minaxi@lawcentres.org.uk if you wish to discuss, make suggestions or have a request for training.

Equality and Human Rights Training

Chesterfield Law Centre is offering free courses on employment discrimination, goods and services, tackling racial hate crime and harassment between September and March 2009.

Course titles include:

- Challenging disability discrimination and promoting best practice in supporting disabled workers
- Tackling bullying and harassment at work
- Access to Goods and Services for all Disabled People: Creative Solutions that will benefit Consumers & Organisations
- Tackling Racial Hate Crime and Harassment: Taking Effective Action.

Details from Teresa Waldron or Anne Frazer at Chesterfield Law Centre on 01248 550674 or Email: bookings@chesterfieldlawcentre.org.uk.

Discrimination Law Training

Lambeth Law Centre:

London Discrimination Unit (LDU)

A series of discrimination training courses have also been organised by the London

Discrimination Unit this autumn. There are several new courses: Introduction to discrimination law (11th September), Identifying and proving discrimination disability discrimination (12th September), Introduction to employment law (30th September), Running an unfair dismissal claim (24th October) General discrimination law update (13th November), How to enforce Employment Tribunal Judgments in the County Court (20th November), Identifying and proving religious discrimination (5th December), and Remedies & compensation (12th December)

Their course on Employment Tribunal tactics & procedure and dispute resolution takes place on 17th October and Advocacy before the ET on 30th October.

All the courses run for one day, starting at 10.00 am - 5.00 pm and take place at NVCO Conference Suite, Regent's Wharf, 8 All Saints Street, London N1 0RL.

Email dstreete@lambethlawcentre.org for further information.

The following training courses may also be of interest to Law Centres.

Equality & Diversity Training

DG Legal are providing training on Meeting SRA requirement on equality and diversity on 2nd October in Birmingham and 10th October in London (2.00 p.m. to 5.00 p.m.)

David Gilmore, speaker at the courses has said that a number of firms have received warnings from the SRA for not adequately implementing Rule 6 of the Solicitors Code of Conduct. *Organisations are required to implement effective Equality & Diversity procedures and to provide effective training to all staff.*

This course will demonstrate the various equality legislation and regulatory requirements and explain how to comply with regulatory, Code of Conduct and, for Legal Services Commission Contract holders, LSC contractual requirements.

Delegate fee: £145 (+ VAT) Tel: 01664 822 492
Email: info@dlegal.co.uk Website: dlegal.org.uk

'The Cities' Legal Walks

The London Legal Support Trust (LLST) is supporting five City Legal Walks across the country to support local legal advice agencies, including Law Centres. The Trust started in London in 2004 and each year has organised a London Walk raising over £1 million. Each year the amount of money has increased with this year's walk in May raising over £325,000.

The Legal Support Trust is now extending its reach and Regional Trusts are being set up. This will be the first year that City Legal Walks have taken place outside of London. Bob Nightingale, director of LLST says, 'The big national firms have been really supportive. D.L.A. Piper led the way in Manchester and Birmingham and Hammonds have started to organise their teams for Birmingham, Manchester and Leeds. Irwin Mitchell are close behind having registered their first team in Leeds. Wragge & co has registered their Birmingham office where Anthony Collins has started to encourage chambers to join in with their team.'

On Thursday, 25th September, 'The Cities' legal walks are taking place in:

Birmingham at 5.00 p.m.

Regional Organiser: Julia Jones at: legalwalk@anthonicollins.com

Brighton at 5.00 p.m.

Regional Organisers: Bob Nightingale, Lucy Enever & Sue Bucknall at:
chair@londonlegalsupporttrust.org.uk

Cardiff at 6.00 p.m.

Regional Organisers: Julie Price and Lynn Squires at: cyrnaeddcyfiawndercymru@caerdydd.org.uk or
email: reachingjusticewales@cardiff.ac.uk

Leeds at 5.30 p.m.

Regional Organisers: David Sneath, Norman Doughty & Bob Nightingale at:
bobnightingaleuk@yahoo.co.uk

Manchester at 4.30 p.m.

Regional Organisers: Rebecca Sheldon and Sarah Harris at: manchesterlegalwalk@lawworks.org.uk

Organise a team and get involved !

It's easy to organise a team. Just contact your regional organiser, or Bob at: bobnightingaleuk@yahoo.co.uk who can register your team with your local walk organiser, set you up a JustGiving web page for team fundraising and provide a template letter for recruiting walkers.

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, City Bridge Trust, City Parochial Foundation, Equality and Human Rights Commission, Legal Services Commission and London Councils.

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