

# Networking...

The national voice of Law Centres

## Carter Report, Fixed Fees and Alternative Business Structures, Changes Pending for Law Centres

News from LCF Director, Steve Hynes

It has been a busy few weeks in the legal policy world with the publication of the Carter Review of Legal Aid, a consultation paper from the LSC and DCA 'Legal Aid: A Sustainable Future' and the report on the Legal Services Bill. Law Centres will have an opportunity to debate the implications of the Carter paper at the General Meeting on 18th September.

The general thrust of the Carter Review is what was anticipated. It is an attempt to restructure the legal services market, with larger providers delivering efficiencies through volume casework. It is envisaged by Carter that these services will be paid for by the LSC through graduated and fixed fees rather than hourly rates and eventually services will be subject to 'best value' competitive tendering.

While the Carter report endorses the LSC's proposals for Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs), it is clear that he has listened to the concerns expressed by LCF and others about this policy. Carter is recommending that a careful evaluation of the first CLACs is carried out before any general roll out, combined with a more pragmatic



Steve Hynes, LCF Director

approach to establishing them by building on existing networks. Similarly to CLANs he is calling for careful testing of what works in various local settings, as well as taking account of existing networks and involving practitioners in their development.

If the report's recommendations are successfully implemented Carter predicts savings amounting to a fifth of criminal legal aid expenditure after four years. It is hoped that these savings can be channelled to the under funded civil legal aid sector. Reducing expenditure by 5% per year though, while not compromising access to justice will prove to be a challenging circle to square. Significantly the Carter report points to the need for the LSC to improve relationships with suppliers to implement the report, and recommends that there should be grant programs to assist suppliers in modernisation to prepare for the introduction of competitive tendering.

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LAW CENTRES FEDERATION

In the coming months practitioner's attention will focus on the LSC's paper 'Legal Aid: A Sustainable Future' as this sets out the Commission's strategy for implementing the Carter recommendations. The paper proposes a new unified contract in April 2007 and a system of standard fixed fees which are based on costings of £50 per hour. A separate graduated fee scheme is proposed for immigration work. The following table summarises the suggested rates with the current averages, where available, under the NfP contract-

	<u>Proposed</u> <u>National Fee</u>	<u>Equivalent</u> <u>in Hours</u>	<u>NfP Average</u> <u>2004.05</u>
Debt	£127	2.5	5.2
Employment	£229	4.6	7.4
Housing	£163	3.3	3.9
Homeless	£188	3.8	3.9
Welfare Benefits	£143	2.9	4.6
Community Care	£292	5.8	N/A
Consumer	£156	3.1	N/A
Education	£293	5.9	N/A

For a fixed fee scheme to work, the fee needs to be pitched at a level that can cover a range of cases striking a balance between the numbers of cases that are cost substantially below the fixed rate to offset those complex cases that take longer than what the standard rate covers. In a fixed fee system the temptation clearly is to increase the numbers of simple cases at the expense of the complex ones. Clients who cannot be dealt with quickly due to language, disabilities or other factors are also at risk of being excluded.

Carter predicts that consolidation of the market into larger suppliers will be facilitated by the deregulation of the legal services market. The Legal Services Bill, which LCF gave evidence on before the Joint Committee of the House of Commons and House of Lords, is likely to do this. The Joint Committee's report was published last month and LCF was pleased that it recommended that there should be "less haste and more care" from Government in its proposals for new ownership structures for legal services firms. As the Bill is currently drafted LCF believes that Law Centres are well placed to be regulated as 'alternative business structures', most likely by the Law Society with statutory protection of their status to prevent organisations attempting to trade on the good name of Law Centres.

Carter has also recommended that the professional bodies regulate quality standards. Again given our history and the numbers of solicitors employed in Law Centres it is likely to be the Law Society that will act as the quality regulator for Law Centres, though the Law Centres movement is likely to have a choice of quality regulator, as a separate regulator might well emerge for the NfP sector.

*For a more detailed summary of the Carter report and the LSC's supporting report see pages four to seven.*

## Legal Services News

### Public Legal Education

The Public Legal Education and Support Task Force held a very successful reception at the House of Commons on 22nd June. Professor Dame Hazel Genn, chair to the Task Force spoke about the work of the Task Force since it was launched in January and what it hopes to achieve when it reports early in 2007.

*Prof. Genn said, 'There is no point in creating a complex system of rights and entitlements if the public are unable to make those rights and entitlements effective. We would argue that public legal education and support - properly prepared and effectively delivered - is essential to the delivery of a social justice strategy.'*

*'There are (also) strong practical and economic arguments to helping the public to deal with everyday problems at the earliest stage. We know that:*

- \* *Unresolved law-related problems led to social and economic harm*
- \* *They reduce a sense of well-being*
- \* *And, they tend to cluster and cascade. Small problems become larger problems which become larger still. There is a need to break in at an early stage.*

*'Public education is about increasing knowledge and understanding of what the legal system has to offer and equally important what it cannot offer.... There is a need to demystify the law and the justice system and to reconnect them in the public mind in everyday life... It has an important protective function which supports social harmony, security and well-being.*

*'Public education is not only about understanding. It is also about skills and confidence - not only knowing but being able to use that knowledge.'* The aim of the campaign is to champion a Public Legal Education which will help people to act early to resolve their problems and develop the skills and confidence they need to better manage their lives.

Three examples were presented at the reception: the Advicenow 'Living Together' campaign, Streetlaw where law students and lawyers go into schools or visit community groups to lead discussions on a law-focused topic, and the Possession Prevention Project delivered by Southwark Law Centre and Blackfriars Advice Centre.

The Task Force is fairly clear that some form of central body will be needed, to make sure that the lessons learned in PLE development are not lost. A plan is needed that is Strategic, Successful and Sustainable. *'This about establishing the goal of PLE over the long-term so that it becomes embedded in our culture as part of effective citizenship.'*

Further information about PLEAS and copies of this speech are on the website: [please.org.uk](http://please.org.uk).

## Training Contracts

The Legal Services Commission has invited applications for Training Contract grants in the areas of Crime, Immigration, Mental Health and Family (with a focus on child care cases). The application form and eligibility criteria on the LSC's website: [legalservices.gov.uk](http://legalservices.gov.uk).

We have received a few queries about the commitment to employ a trainee following their traineeship. The following advice has been provided by LSC's Training Contract Grants Coordinator. *'We would not hold a not-for-profit organisation to the two - year post qualification commissioned period, but they would reasonably be expected to keep the trainee once they had completed their training contract and we would request immediate notification where this would not be the case.'*

The closing date for applications is **21st August 2006**. Recruitment must also be completed by 31st January 2007. Law Centres who want an application pack for a grant and individuals who

would like further information about the grants should contact Emma Shaw, Training Contract Grants Coordinator on 0161 244 5027 or via email: [emma.shaw@legalservices.gov.uk](mailto:emma.shaw@legalservices.gov.uk)).

## Why not be a judge

Harriet Harman MP, Minister at the Department for Constitutional Affairs has published a 5 point plan to encourage more solicitors to apply for judicial office. Kevin Martin, President of the Law Society said, 'It is important that the judiciary, at all levels, is reflective of society in all its diversity. The talent within the solicitors' profession should be exploited to enable the widest possible range of skills are available.'

Information at: [dca.gov.uk/judges/diversity](http://dca.gov.uk/judges/diversity). For current vacancies visit: [judicialappointments.gov.uk](http://judicialappointments.gov.uk).

## Tribunals, Courts and Enforcement Bill

A draft Bill was published for comment at the end of July. It includes proposals that will:

- \* improve the working of the tribunals system by providing a new statutory framework, offices and bodies that will deliver improvements in services
- \* widen the range of people eligible to apply to become judges, increasing judicial diversity;
- \* unify and provide a new statutory framework for law on civil debt recovery, a certification process for civil enforcement agents, and relief measures for debtors unable to pay their debts;
- \* reform the enforcement of compulsory purchase orders.

Part 3 of the paper looks at unifying the existing law relating to enforcement by seizure and sale of goods. It also replaces the current law of rent distress with a modified regime for recovering rent arrears in the commercial property sector. Part 5 makes changes to two statutory debt-management schemes, administration orders and enforcement restriction orders.

Comment on the draft are requested by **22nd September**. The paper can be found on the DCA website: [dca.gov.uk](http://dca.gov.uk).

## Junior Law Society

The Young Solicitor's Group and the Trainee Solicitors Group have agreed in principle to merge, hopefully by September 2007.

## Community Justice

The DCA in their paper, Delivering Simple, Speedy, Summary Justice say that they want to extend the number of Community Justice Centres. At the moment the Centres are based in Liverpool and Salford. The DCA plan to identify another 10 local authority areas in England and Wales for future Community Justice projects. They hope to have these up and running by the end of March 2007.

## Capability Reviews

The Department for Constitutional Affairs volunteered to pilot the government's new Capability Reviews which it is introducing for every Government Department. The Reviews are carried out by the Prime Minister's Delivery unit with a team of external reviewers. The model of capability has been specifically designed for the reviews and focuses on leadership, strategy and delivery.

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## The Shape of Things to Come

Two key papers on legal aid reform were published in July. The first was an independent report from Lord Carter and the second, a joint consultation paper from the Department for Constitutional Affairs and the Legal Services Commission.

The reforms will impact on all our work, and if the timetable is kept to, they will happen very soon. In **April 2007**, there will be one **Unified Contract** - the same contract for private practice firms and the NfP sector, and **Standard Fixed Fees** for all our work, except for Immigration, Asylum and Mental Health work which will have Graduated Fees. April 2007 is also the date set for the first wave of Community Legal Advice Centres and Networks, and as you will know there will be a roll-out of peer review and the Preferred Supplier scheme. We understand that there is likely to be a further consultation on Preferred Supplier scheme and on the future of Immigration work in the autumn.

We have outlined some key issues from both papers.

## The Carter Reforms

Proposals from Lord Carter of Coles to introduce best value tendering in April 2009 were published in '**Legal Aid: A market-based approach to reform**' on 13th July. Contracts will then have to be tendered for, based on quality, capacity and price.

The government's aim is to have better control over legal aid spending and to be better able to forecast expenditure. It is a '*move towards providing a system that delivers the right quality of service at minimum cost.*' The reforms are expected to save money, especially in crime, which should '*ease the pressure on civil and family legal aid.*'

A number of proposals are made for the transition to best value tendering. These include the provision of services through Community Legal Advice Centres and Networks, the introduction of Fixed and Graduated Fees, a national roll-out of peer review assessments, the introduction of Preferred Supplier, an increase in devolved powers, use of electronic reporting, and a move to larger contracts and output based block contracts. The paper also says that by April 2009, responsibility for quality assurance will pass to the Law Society.

The NfP are encouraged to expand their areas of law and in particular have greater links with family law suppliers (see page seven). The paper advises that, '*wherever possible, social welfare suppliers should have the opportunity to develop a family law capacity.*'

A review is to be carried by LSC on removing the current differential between legal help and representation rates. They will consider alternatives such as a 'success fee'. The LSC will where practicable require suppliers to report success rates in civil certified cases '*as one of the performance indicators in contracts.*' A report is expected in July 2008.

## Community Legal Advice Centres

The first wave of CLACs are to be established in April 2007. Lord Carter recommends that the LSC should learn from the first waves and apply any lessons to subsequent waves. The new

Centres are referred to as being *'franchise holders'*. He says that in some cases the CLAC could be a consortium, *'that creates a single legal entity to run the franchise'* but that this would be subject to Law Society regulations. They would also be able to sub-contract. Where work is sub-contracted, it would be the responsibility of the centre supplier to ensure that the necessary standards are met.

Contracts from the LSC should last for 3 years. When tendering, applications should have a significant track record of providing specialist legal advice and representation services and be able to demonstrate that they are able to set up and deliver these services. There will not be one prescribed model. The CLAC may be required to use form of branding as part of their public image, but the agency with the franchise should be able to keep their own separate identity.

The centre should receive payments in advance. These would be linked to meeting the performance standards set out in the contracts, with adjustments made if the standards are not reached.

### **Community Legal Advice Networks**

CLANS should provide *'a framework for groups of suppliers that work together to deliver an equivalent range of legal services to that envisaged in a CLAC.'* Networks could they suggest, also provide entry points for new suppliers. The paper stressed the need to make the CLANS 'real' and suggest the introduction of internet 'chat-rooms' restricted to network members.

The paper considers two options of tendering for CLANS. The LCS could contract individually with each member or have a single contract with a 'lead supplier' within the network, who would then sub-contract with other members. Contracts should also be for three years and payments would be made in advance and then reconciled against the work completed. The paper suggests that it may be sensible for the network to have a co-ordinator.

The completion of the move to CLACs and CLANS should be completed by 2010.

### **Regional Provision**

Education and Immigration (as well as Mental Health, Clinical Negligence and Actions against the Police) are to be procured at a regional level. *'They must be linked to CLACs and CLANS in the areas, or 'could be part of or be the centre of the network.'*

For immigration and asylum work they propose to have a small network of national and possibly regional level services, supplemented by smaller suppliers from both private practice and the NfP (such as Law Centres).

The paper says that the new procurement scheme will *'require greater efficiency in the way that NfP suppliers deliver legal services with legal aid. For example, NfP suppliers may need to increase the number of clients they help for the funding they receive, so that their productivity compares with private practitioners.'*

Vera Board, the Legal Aid minister is consulting with lawyers across the country about the new proposals and their impact.

### **DCA\LSC Consultation**

The consultation paper focuses on how services will be paid for from April 2007 onwards. It also covers proposals for the new Unified Contract for all civil work.

Standard Fees are to be introduced for: Debt, Welfare benefits, Housing, Community Care, Education, Consumer, Public Law and Employment (as well as PI, Clinical Negligence and Actions against the Police).

Graduated Fees will be introduced for Immigration and for 'mainstream' Asylum cases. They will also be introduced for Mental Health work.

### **Unified Contract**

A new three-year Unified Contract is to replace the General Contract. It will have three parts: a contract for signature, a set of standard terms with specifications\schedules that will define the work, and the fees paid for the work. The contract will give the LSC power to specify a required number of matter starts and to specify the range of work a provider will undertake. The LSC also intend to introduce Key Performance Indicators into the contract.

The consultation paper proposes that contracts will only be awarded to providers *'to whom we have paid no less than either £25,000 or £50,000 in a period to be specified.'* The calculation will be based on all legal aid payments. Contracts may also be terminated where CLAC or CLAN contracts have been awarded or where tendering has taken place.

The SQM will no longer be a Contract Document. The new contract will specify that providers must comply with either the SQM or an alternative quality standard, *'as the LSC considers equivalent.'* **All providers will be expected to have achieved a peer review rating of two by April 2009.**

The Unified Contract will not pay for 'Level One work' and the fees for tolerances cases will be 15% less than the appropriate (fixed or graduated) fee. The paper says that the concept of tolerance will disappear *'as we roll out Preferred Supplier and expand CLS Direct.'* The contract will specify that the LSC may recover any overpayments by reducing any subsequent payments.

Each claim for payment will have to be supported by information from an electronic case management system.

A draft of the new contract is expected in August.

## Payment Systems

The LSC will only pay a set amount per case, or part of a case, regardless of the time spent. They say *'the move towards fewer larger contracts will reduce the impact of the swings and roundabouts inherent in standard fee and graduated fee schemes.'* The funding will be based on outputs and will be the same for all providers and will apply to all cases started on or after April 2007. All the fees exclude VAT and for standard fees, the costs of counsel.

Standard and Graduated fees include profit costs, travel and waiting (unless specified).

They do not include disbursements (except in asylum cases). Disbursements will have to be reported on as a separate item on the CRM form.

## Standard Fees

The LSC prefer to have a national standard fee per case although the paper does look at regional fees. Option one covers the national fees. These are £292 for Community Care, £156 for Consumer, £127 for Debt, £293 for Education, £229 for Employment, £163 for Housing, £188 for Homelessness, £284 for Public Law and £143 for Welfare Benefits. The options are given for consultation.

Regional fees vary a lot. For example, for Community Care cases the fee ranges from £183 in the South East to £308 in London, in Education they range from £155 in the East Midlands to £440 in London, in Employment they range from £145 to £453, in Housing from £91 to £206, Homelessness ranges from £104 to £237, and Welfare Benefits from £96 to £223.

The LCF would very much like to hear from Law Centres who have done their own calculations of how the changes will affect them. These can then be fed into the response which has to be in by 12th October. Please send any information you would like to share (comments could be anonymous) to Lynn at: [lynn@lawcentres.org.uk](mailto:lynn@lawcentres.org.uk).

## Graduated Fees

Graduated fees will apply to immigration and 'mainstream' asylum cases (approximately 75% of cases). They apply to all cases and related services started on or after April 2007. Onward appeals are excluded from the scheme and NfP providers will be able to claim solicitor payment rates. NASS related advice in excess of 30 minutes will no longer be within the scope of the immigration category.

The scheme consists of two stages:

- \* Legal Help - advice and assistance in relation to immigration, nationality, asylum, deportation or terms of entry to stay in the UK.
- \* Controlled Legal Representation (CLR) - preparation and advocacy in relation to proceedings before the AIT.

A single fee will be paid for work under Legal Help. Advocacy payments will attract additional payments. Providers who instruct counsel will be

expected to pay for those services from the graduated fee and additional payments. The fees do include an allowance for interpreter and translation cases in asylum cases (but not others)

In immigration, the fees paid will be the same irrespective of the location of providers. Details of all the payments are in the consultation paper - section 8.10 onwards.

Graduated fees also apply to Mental Health, where the LSC propose to set a fee for each mental health case. The payable fee will be one of a series of graduated fees which will be determined by the combination of levels of work that have been undertaken. The scheme will not include disbursements which will be claimed for and remunerated separately. From April 2007, providers who not hold a contract in Mental Health will not be able to carry any of this work.

### Transition Period

The paper acknowledges that the transition will be difficult and the LSC plan to explore possible transitional arrangements for the NfP sector and agree the *'reconciliation process for cases started under both the old and new schemes'*.

Lord Carter proposes that there should be grant programme to part fund specific growth, and consolidation amongst suppliers, and to help invest in suppliers' information technology infrastructure and modernisation. The fund will last from April 2007 to the beginning of 2009 and will be managed by the Law Society.

### LCF General Meeting

**Monday, 18th September**

Tavistock Room, Woburn House,  
20 Tavistock Square, London WC1H 9HQ

(Note that this is a new venue)

1.45 p.m. - 5.00 p.m.

### The Carter Review of Legal Aid

Guest speaker - Richard Miller  
Legal Aid Practitioners Group

If you have a resolution to put to the  
General Meeting, please submit it to the LCF by  
16th August

## Family Law Services in the NfP Sector

Article by Steve Hynes, LCF Director

Last month Milton Keynes CAB announced that it had become the 'first' not for profit organisation to be awarded a franchise from the LSC to conduct family work. A few Law Centres have been undertaking publicly funded family work for some years so it is not strictly true that Milton Keynes CAB is the first. Given the current trends though, could other NfP agencies be joining these NfP organisations in providing family law services over the next few years?

Wendy Lehmann is Chief Executive of Milton Keynes CAB, 'We are on a vertical learning curve with this as we are the first CAB in the country to take on a family law contract.' Lehmann is optimistic though that the contract will be a success as she feels there is a demand for family law services, 'as we are the first logical step for many people experiencing relationship breakdown.' The CAB was offered the contract after discussions around shortages in supply with the regional LSC, which also funds contracts in debt, housing, immigration and welfare benefits at the bureau.

Citizens Advice published a report two years ago, titled *'Family Misfortunes'*, on the availability of family law services. The report highlighted the difficulties clients experienced finding publicly funded solicitors within easy reach of public transport. For example a CAB in Surrey advised a woman who had been punched by an ex-partner's current girlfriend with his encouragement. She could not find a solicitor to take an injunction case. This was despite the involvement of the police and a previous history of domestic violence.

CAB believes that many private practice solicitors are discouraged from undertaking publicly funded work because of contracting, preferring the more lucrative and less bureaucratic work of private divorce law. With the landmark decisions in the Miller and McFarlane cases in which partners were compensated for their loss of career and support for their spouse's careers, divorce work for high income professionals and business owners looks set to continue to be attractive for lawyers in private practice.

**Harehills and Chapeltown Law Centre** in Leeds have conducted family law cases for many years. Kam Chahal is a solicitor at the Law Centre. She emphasises that the Law Centre has never specialised in divorce work, but instead concentrates on domestic violence and child protection work,

*'Not many Law Centres provide family law services, but the Law Centre specialised in this work as we felt strongly that any victim of domestic violence should be subject to the protection of the court.'*

The Law Centre has found the LSC supportative of their family law work, *'I think the LSC sees our approach to the work as the way forward as we work closely with other NfP agencies and private practice.'*

This view is echoed by Mike Jolly a solicitor at **Surrey Law Centre**.

Mike Jolly said, *'We work closely with organisations such as Women's Aid and where appropriate, we refer clients to mediation services.'*

Private practice lawyers are also increasing specialising in alternative disputes resolution including collaborative approach and mediation. The numbers of trained mediators has risen from 0 to 590 in only 3 years. A collaborative approach to resolving the issues arising from relationship breakdown can be cheaper and can lead to better solutions for individual family members as it is far less confrontational than court based solutions.

In contrast to Harehills and Chapeltown Law Centre, Surrey Law Centre also assists clients with divorces, but does not undertake ancillary relief cases, (sorting out financial settlements).

Mike Jolly commented *'What we are finding is that there is a demand from our client group for help with straight forward divorces, as large numbers of private practices are not interested in undertaking the work at legal help rates.'*

He believes that there is a definite need for the type of service the Law Centre offers as it is predominantly the same client group which is seeking help with other areas of social welfare law from the Law Centre.

*'My case load is a mixed bag of divorce, private law children work such as residence and contact issues, as well as injunctions to do with domestic violence. The majority of my clients are women on income support with issues around getting rid of the abusive men they have been living with.'*

Surrey Law Centre took on the Family Law Contract last year after the Legal Services Commission identified the need. Mr Jolly said *'I gather that it had got to the point that those private sector solicitors, who were willing to do the work, were placing clients on waiting lists because of the volume of demand. Not very good if you are seeking an emergency injunction against a violent partner.'*

He believes that there is a future for publicly funded services like Surrey's in the NfP sector, but to be effective for clients they have to strike a balance between the type of work funded by the legal help scheme and certificated work involving litigation, *'Many divorce cases can be completed on Legal Help, but clients if necessary have to have recourse to court based solutions for example around residence or domestic violence issues.'*

He is positive about the future,

*'I've worked for a number of years in private practice and for me working in a Law Centre is more rewarding as there is a greater emphasis still on providing a service to needy clients.'*

With the LSC looking to consolidate provision amongst fewer, but larger providers covering a range of civil law specialisms it seems likely that more Law Centres and other NfP providers will look to provide family law services. What would seem to be essential is that clients are provided with access to services appropriate to their needs, whether this is representation in court proceedings, other legal assistance, mediation or a combination of these.

## Labour Party Conference

G-MEX and MICC

LCF is having an Exhibition Stand at the Labour Party's Annual Conference in Manchester.

Please visit us on Stand 36, anytime between 24th and 28th September.

## Law Centre News

### Legal Aid Lawyers of the Year

This June, **Nathaniel Mathews** from Hackney Community Law Centre was presented with an award from Cherie Booth QC, chair of the panel of judges at the annual LALY awards organised by the Independent Lawyer and the Legal Aid Practitioners Group. He was selected as Social and Welfare Lawyer of the Year. Nathaniel was sponsored by S.A Partners who described him as having '*legal insight and overwhelming compassion for desperate clients*'.

Saimo Chahal of Bindman & Partners won the award for mental health lawyer of the year. Saimo used to work in a Law Centre in South East London.

Legal Aid Personality of the Year for Outstanding Achievement sponsored by D G Legal went to Gareth Peirce of Birnberg Peirce & Partners in recognition of her civil rights work over many years

### East Midlands Money Advice Project - EMMA

EMMA is a partnership initiative that has been successful in securing £4.29m of the Department of Trade and Industry's National Financial Inclusion Fund for work across the East Midlands. This has been achieved through ground breaking collaboration and co-operation between members of the three major advice networks - AdviceUK, Citizens Advice and the Law Centres Federation, with the lead organisation for the project being Leicester Money Advice.

The primary aim of this project is to deliver an increase in the number of advisers, and in the number of hours of advice provided, within geographical areas and/or social groups characterised by high financial inclusion.

Leicester, Chesterfield and Derby Law Centres are all partner agencies in the project with representatives from Leicester and Chesterfield also being members of the executive committee. For the Law Centres this means additional posts for a period up to 31st March 2008 with the post holders being supported by substantial training.

### Rochdale Law Centre

The wooden hut which has been Rochdale Law Centre's 'temporary' accommodation for the last 16 years is to be demolished this summer. New premises have been purchased and renovated at 15 Drake Street, Rochdale, Lancs OL16 1RE. Their new premises are made of brick and even have hot water! Staff have been working out of the new address since Monday 10th July. Telephone, fax and e-mail and DX address remain the same.

*'As we are mindful of the tendency of Law Centre staff to circulate between Law Centres with no hope of escape. We therefore expect that a lot of previous employees at Rochdale Law Centre will still be reading 'Networking'. If so, we would be grateful if you could share your memories of working in the shed. Everything from your first impression of the premises when you turned up for your job interview, to the explanation to new clients that we were in the shed beside Electric House, opposite the Black Box, and no, being a shed we don't have a street number.'*

Please send obituaries, fond memories, photographs etc to new address or by e-mail to [glynis@rochdalelawcentre.org.uk](mailto:glynis@rochdalelawcentre.org.uk)

### New Website for Lewisham

A new legal website was launched for the community in Lewisham last March. The Law Centre developed the site to offer specialised legal advice in employment law, housing law, immigration law and welfare rights law. It offers legal news, information on the legal advice drop-in sessions at the Law Centre, and will allow for the first time the opportunity for the community to e-mail for advice and assistance with their legal problems.



Bridget Prentice MP cutting the ribbon at the launch of Lewisham Law Centres's website in March.

The website was launched by Bridget Prentice MP for Lewisham East. Ms. Prentice is also the Parliamentary Secretary for the Department for Constitutional Affairs. The website has been funded through charitable donations from Leigh Day & Co, a leading human rights solicitors firm, and barristers from Garden Court Chambers.

Bridget Prentice MP said, *'It's great to see the Law Centre using the Internet to reach out to the people of Lewisham. Knowing your rights and getting access to quality legal advice is important for all of my constituents. Having that advice available online at the touch of a button has to be the way forward.'* The website can be found at: [lewishamlawcentre.org.uk](http://lewishamlawcentre.org.uk)

The Law Centre has also recently been awarded £2,000 by the Deptford Challenge Trust charity to upgrade some of their computer network.

## News Clips

The Isle of Wight County Press reported this month of a new housing advice service being set up to tackle homelessness by the Isle of Wight Council and **Isle of Wight Law Centre**. The new service aims to prevent homelessness and will be managed by the council's housing services team. The Law Centre will be providing advice and representation housing matters as well as assisting on issues relating to housing, such as debt, welfare benefits and employment advice.

*Don't forget to send us your press releases !*

## Equality News

### Getting ready for the new Commission for Equality and Human Rights

The Commission for Equality and Human Rights (CEHR) will be launched in October 2007. At its inception, it will absorb the Disability Rights Commission and Equal Opportunities Commission, with the Commission for Racial Equality joining in 2009. The new Commission will also have responsibility for promoting equality and tackling discrimination in relation to sexual orientation, age, religion or belief and to promote and protect human rights.

The Law Centres Federation is currently getting funding for equalities work from both the Disability Rights Commission (Disability Rights project) and the Department for Communities and Local Government (SORBAEE project), which is housing the CEHR Transition team. A number of Law Centres also get funding from the Commission for Racial Equality. Therefore, we think and hope that Law Centres are in a strong position to get funding from the CEHR.

In order to strengthen this position, the Law Centres Federation needs to get a clearer overall picture of the work that Law Centres are doing on equalities and human rights issues. We want to be able to prove to the new Commission the value of the work we are doing in this field, and be able to make a sound case for funding for Law Centres. We hope to showcase the findings of this survey at the Annual Conference in November, as the theme of the Conference will be *'Equality through Justice'*.

In early July a simple form was sent out to all Law Centres (mainly to an employment caseworker contact) in order to start collecting some monitoring and case study information on equalities and human rights work. The deadline for return of this questionnaire was 28 July. **If you are not sure if your Law Centre has responded to this survey and/ or are interested in its findings please contact Savita at the Law Centres Federation on 020 7121 3320 or [savita@lawcentres.org.uk](mailto:savita@lawcentres.org.uk)**

## Disability Rights

### Formal Investigation

The Disability Rights Commission is launching a new general formal investigation looking at the barriers disabled people face in trying to pursue careers in teaching, nursing and social work. The DRC is focusing on 'fitness' issues because of evidence of potentially discriminatory legislation, policy and practice within professional occupations.

The formal investigation will start with a legal review to give an overview of the existing regulatory frameworks. The DRC will also collect evidence from legal advisers and examine legal cases to see how existing legislation is being interpreted on the ground. There will also be a

number of research projects. They are calling of disabled professionals to share their experiences of the barriers they have faced - as well as their success stories.

The DRC will be contacting legal advisers for their views. If you would like to submit evidence or advise the DRC on the investigation, contact: [investigations@drc-gb.org](mailto:investigations@drc-gb.org).

### Time Limits

The EAT has handed down a judgment dealing with time limits for discrimination claims in employment. In the joined cases *BUPA Care Homes Ltd v Cann and Spillett v Tesco Stores*, Judge Peter Clark held that there is no absolute bar to a tribunal considering a discrimination complaint where the grievance was submitted more than four months after the act of discrimination. The tribunal is entitled to exercise its general discretion to consider a discrimination complaint outside of time where it is just and equitable to do so.

### Further and Higher Education

The post-16 provisions of Part 4 of the DDA have been amended by the Disability Discrimination Act 1995 (Amendment) (Further and Higher Education) Regulations 2006 which implement the European Framework Directive in respect of vocational training. A consultation has taken place on the draft Code of Practice which reflect the changes coming into effect in September 2006. The provisions include new direct discrimination and harassment duties and the removal of justification for failure to make reasonable adjustments.

A copy of the Code is on the DRC website: [drc-gb.org](http://drc-gb.org).

### Part 2 - Direct Discrimination

**Trafford Law Centre**, Action for Blind People and the DRC supported a case of direct discrimination which was heard at Manchester Employment Tribunal in June. The case represents one of the first cases of direct discrimination brought by a disabled person against an employer under part 2 of the DDA that ended up in court. The client was awarded £20,352 compensation. She had been dismissed from her job following a stroke and had lost her sight as a result. When she called

her employers to inform them that she was ready to return to work, she was told that she had already been sacked.

### Code of Practice

A new code of practice from the DRC was laid before parliament on 6th June. The code for providers of goods, services and facilities has been revised to include the new duties on public authorities, landlords and private members clubs. Subject to Parliamentary approval the code will come into force on **4th December**.

### New Questionnaire

In the latest DRC Legal Bulletin on Goods and Services, the DRC outline the new Questions Procedure. The Questionnaire is designed to help a disabled person decide whether or not to bring legal proceedings and provides assistance to presenting a complaint to the court. A disabled person can send the Questionnaire to the individual or organisation they are complaining about, and there is a matching reply form attached. Copies of the booklet which include the Questionnaire are available from the DRC Helpline: 08457 622 633.

### Office for Disability Issues

The Government Office has published its first Annual Report detailing its progress towards the vision of having *'real equality for disabled people by 2025.'* The ODI is in the process of setting up a new advisory body - Equality 2025: the UK Advisory Network on Disability Equality - which will be launched later this year. The report can be found at: [officefordisability.gov.uk](http://officefordisability.gov.uk).

### Disabled Person (Independent Living) Bill

The Bill has now had its Second Reading. It contains a package of measures designed to help disabled people live more independently. These include an entitlement to the same care package if people move into another council's jurisdiction. Lord Ashley claims that *'disabled people face a "scandalous" lack of legal protection against moves to force them into institutional care'* and that services were bighted by a *"notorious postcode lottery"*.

## Network for Disabled Practitioners

A new network is being piloted in the Yorkshire and Humber region which will offer support to disabled practitioners as well as advice to the legal profession about disability issues. The network is partnership between the Group for Solicitors with Disabilities and the Yorkshire based Equal Ability Community Interest Company. The network is backed by the DRC.

## Faith Communities

### Faith Communities Consultation Council

This new Council is a merger of the Home Office Working Together Steering Group and the Office for the Deputy Minister's Inner Cities Religious Council. The new group will provide a forum for *'high level strategic discussions of issues of concern to faith communities.'*

### Commission on Integration and Cohesion

The Commission has appointed Darra Singh, as chair of the new Commission which was due to report to government in July. It is expected that there will be about 10 Commissioners in total. Their focus will be on different areas and geographical communities and will consider the role of communities of interest - such as race or faith groups. The Department for Communities and Local Government published a report *'Improving Opportunities, Strengthening Society - One Year On'* at the end of July. The report sets out progress in building community cohesion. The report also includes a detailed statistical breakdown called, *'Race Equality in the Public Services'*.

## Race Discrimination

The 2005 Citizenship Survey conducted by the Department for Communities and Local Government revealed that 48% of people felt that there was more racism in 2005 than in 2000, compared with 16% who thought there was less. The survey also found that 80% of the people in England and Wales believed that people from different backgrounds get on well in their area. Phil Woolas, the minister for race, faith and cohesion said that he thought the survey *'showed that we're moving in the right direction in terms of perception of race quality.'*

## Ethnic Minority QCs

Ten new ethnic minority silks were appointed in 2006 compared to seven in 2003. The new system for appointments was set up in 2005 with the hope that more solicitors, women and ethnic minority candidates would apply. The number of women silks was 33 this year and four solicitors were appointed. A note about how the selection process works is on the Black Lawyers Directory website: [onlinebld.co.uk](http://onlinebld.co.uk).

## Age Discrimination

Age Concern is supporting an action by Heyday on the future of MRA - the Mandatory Retirement Ages. Heyday is a not-for-profit, membership organisation, backed by Age Concern, for all people who are thinking about, planning for or in retirement.

An application was made on 3rd July, to seek a judicial review of the Employment Equality (AGE) Regulations coming into force on 1st October.

If successful, it will mean that the High Court will have to scrutinise the legality of the regulations which the applicants believe contravene a European Directive outlawing age discrimination and leaves people over 65 without the right to choose to continue working. Unless Mandatory Retirement Ages are scrapped, Heyday says that the directive cannot hope to stop older people who want or need to keep working being forced out of work in the UK. If a compulsory retirement age is abolished, UK employers will still have the right to dismiss employees on the grounds of performance and ability

## Mental Health

### Mental Capacity Act 2005

The Act establishes a new Court of Protection with jurisdiction to deal with decision-making for adults who lack capacity. It will begin operating from April 2007. The new court will be able to make decisions about personal welfare matters including health care, as well as property and financial affairs. The Department for Constitutional Affairs welcomes views on the rules in their consultation, which runs until 6th October 2006.

At the end of June, Rosie Winterton, the Health Minister announced that people who lack capacity will benefit from new safeguards. The proposals are aimed at closing the 'Bournemouth Gap' which arises when people lack the capacity to consent and need to receive care or treatment, in circumstances that amount to a deprivation of liberty. The proposals say that an individual's rights will have to be respected and that it will be easier to challenge the decision once someone has been detained. It also says that every person will have someone independent to represent their interests. The proposals will cover both care homes and people being treated in hospital.

### LCF Annual Conference 2006

#### *Equality through Justice*

Keynote Speaker: Vera Baird QC  
Legal Aid Minister  
Department for Constitutional Affairs

**10th and 11th November**

Copthorne Hotel Manchester  
Clippers Quay, Alford Quays  
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£150 inclusive of accommodation, £50 for one day.  
Fees include VAT

## Immigration News

### All change at IND

The Home Office published, *'Fair, Effective, Transparent and Trusted: Rebuilding confidence in our immigration system'* at the end of July. The government has identified seven programmes for fundamental change to ensure that the IND (The Immigration and Nationality Directorate) is fit for the future. The papers says:

- \* We will strengthen and simplify our immigration laws to speed up decision and increase removals.
- \* We will strengthen our leadership and management at all levels.
- \* We will ensure excellence in the basics, simplifying existing processes.

- \* We will make the IND a more powerful agency, more clearly accountable to Parliament and the public, with the operational freedom it needs to deliver its business. We will consult on an independent committee to advise the Government in migration and an independent regulator to provide a transparent assessment of IND as a whole.
- \* We will be a leader in government in exploiting new technologies, especially in biometrics and tracking.
- \* We will demonstrate excellence in strategic partnership and collaborative working with other government bodies, businesses and the communities we serve.

The Home Office plan to make the IND operate as an agency, on a shadow basis from **April 2007**. New regional services are to be introduced and they aim to have regional directors in place by early 2007. *'This will help give local communities a much stronger sense of how IND is performing and how decisions affect people in their area.'*

An overhaul of all IND's processes will take place with a focus on making correct decisions when cases are initially considered. They will for example, separate out simple from complex cases and produce clearer, simpler instructions for caseworkers to improve the speed and quality of decision-making. A new electronic caseworking system is to be introduced *'to provide a single view of the customer'*.

Immediate comments on the paper are invited and can be sent to:  
indreviewcomments@homeoffice.gov.uk. An external audit of progress will be carried out in December and annually thereafter.

Further changes to the Home Office were also published in July, *'From Improvement to Transformation: An Action Plan to reform the Home Office so it meets public expectations and delivers its core purpose of protecting the public'*.

## IPCC extends jurisdiction

The LCF recently attended a meeting with the Independent Police Complaints Commission about its new role in overseeing the activities of the IND. The Police and Justice Bill extends the IPCC's jurisdiction to arrest-trained officers on the IND Enforcement and Removals function. It is anticipated that only the most serious incidents will be referred to the Commission, such as deaths or serious injuries occurring on arrest visits.

One of the concerns raised, related to the IND's recently stated objective to double their *'enforcement and compliance resource by 2009.'* In their consultation paper, 'Fair, Effective, Transparent and Trusted', IND indicate that these services will be contracted out. The paper says, *'we will introduce a new model for managing enforcement work, exploring options for commissioning, contracting and outsourcing for expanded delivery.'*

Clearly this is area of jurisdiction that the IPCC will be looking at closely. The IPCC's prominent concern is how to reach the many vulnerable people who have complaints against the IND, and how to let them know that there is a new body they can turn to. Signposting is central to this and if you know of other individuals or organisations that can assist in this process or you know of other issues that you think the IPCC should be aware of, please contact them at: [indenquiries@ipcc.gsi.gov.uk](mailto:indenquiries@ipcc.gsi.gov.uk)

We hope to have a longer article on these developments in our next edition.

## European Union recommendations

In July, Vice President Frattini, Commissioner responsible to Freedom, Security and Justice, said, *'we need a reinforced and more efficient fight against illegal immigration'*. A package of measures to reinforce solidarity between Member States was adopted. It includes a Communication on Policy Priorities for 'the fight against illegal immigration of third-country nationals', a proposal for a Regulation on the powers and the financing of rapid reaction teams of border guards from Member States who are seconded to another Member State in order to provide technical and operational assistance. It also explores how to further secure external borders.

## Community Code on Visas

The European Commission's proposals include a Community Code on short-stay visas. The proposal incorporates all legal instruments governing decisions in relation to the conditions and procedures for issuing visas into one Code on Visas.

## Employers to be struck off

Company directors could be struck off and their firm's assets seized if they are caught employing illegal workers. Under proposed new laws being discussed at the Home Office, there will be a 'two strikes and you're out' rule, under which the board of a company could potentially be dismissed if two or more breaches of the law are discovered.

## Recognising Rights, Recognising Political Realities

JCWI have published a report calling for a cross-party consensus on a regularisation programme 'to address the predicament of up to 570,000 people living irregularly in the UK including those who have overstayed work and student visas, failed asylum seekers, and trafficked persons.' The Joint Council for the Welfare of Immigrants recommend, for example, that:

- \* Irregular immigrants who have lived in the UK for 7 years and do not have a serious criminal record should obtain Indefinite Leave to Remain (ILR) automatically.
- \* Those who lived here at least two years, and can meet further criteria, such as proof of employment or family ties should get 5 years temporary leave to remain with the eventual prospect of earning ILR.

The government is encouraged to consider the proposals as part of a one-off time-limited regularisation. They also ask the government to urgently review the new Points Based Scheme for non-EEA economic migration and review the ratification of the major treaties promoting migrant rights. JCWI say that the right to work should be granted to asylum seekers whose case decision is pending and to failed asylum seekers whose removal is not imminent or who the Home Office accepts cannot be removed.

## Human Rights Violations

Writing in the British Medical Journal in July, Peter Hall, chair of Doctors for Human Rights said that *'the government is violating the right of failed asylum seekers to healthcare.'* He said, *'In restricting their access to free secondary healthcare, the British government is violating the right of failed asylum seekers to the highest attainable standard of health, guaranteed by the International Covenant on Economic, Social and Cultural Rights.'* Yusef Azad, Director of Policy and Campaigns at the National AIDS Trust said that NAT welcomed the article and added, *'To charge someone without resources for potentially life-saving treatment while they are living in the UK is inhumane.'*

The National AIDS Trust carried out research, and published *Dispersal of Asylum Seekers: Living with HIV*, earlier this year. NAT is keen to ensure that asylum seekers living with HIV have access to adequate and ongoing HIV treatment and care, and that no harm should be caused to asylum seekers - or to wider public health - as a result of dispersal to areas of residence. NAT are interested in hearing of any issues relating to this and have asked practitioners to keep a brief record of positive or negative occurrences.

NAT's website is: [nat.org.uk](http://nat.org.uk) or you can email: [info@nat.org.uk](mailto:info@nat.org.uk).

## No Place for a Child

A coalition of lobbyists are urging the government to stop detaining children and to trial better alternatives. More than 13,500 members of the public recently backed the No Place for a Child campaign by writing to the Home Secretary and lobbying MPs and MSPs. 148 MPs from across the party spectrum also signed an Early Day Motion calling for an end to the detention of children.

A discussion paper by John Bercow MP, Lord Dubs and Evan Harris MP has been published on alternatives to immigration detention of families and children. They say that the UK government is in contravention of a series of national and international legal guidelines and is failing to protect children who are being detained in the UK as part of the immigration process.

The paper recommends an alternative approach:

- \* An independent caseworker model should be developed drawing on lessons from the successful Hotham Mission project in Australia.
- \* Families who cannot be returned for safety or welfare reasons should be given indefinite or temporary leave as appropriate.

The government is urged to implement a range of safeguards now, including: a strong presumption in favour of not detaining families without objective risk assessments and independent welfare assessments being carried out prior to detention; and access to high quality legal advice and automatic independent judicial scrutiny of the decision to detain.

## Unaccompanied Children

Research has found that 11 councils that look after unaccompanied asylum-seeking children have not signed up to the National Register for Unaccompanied Children. The register is designed to provide better safeguards for unaccompanied children and ensure continuity of care by allowing local authorities and central government to share information.

## Inquiry into the Treatment of Asylum Seekers

In July, the Joint Committee on Human Rights (JCHR) decided to conduct an inquiry into the human rights issues raised by the treatment of asylum seekers in the UK.

The inquiry will consider any significant human rights concerns relating to the conditions of life for asylum seekers and failed asylum seekers in the UK, focusing in particular on those relating to:

- (i) access to accommodation and financial support;
- (ii) the provision of healthcare;
- (iii) treatment of children;
- (iv) the use of detention and conditions of detention and methods of removal of failed asylum seekers.

(v) treatment by the media.

Memoranda of evidence addressing any or all of the above matters should be submitted to the Committee by **29th September 2006**. Submissions should be addressed to Nick Walker, Commons Clerk of the Joint Committee on Human Rights, Committee Office, House of Commons, 7 Millbank, London SW1P 3JA. Electronic copies should be accompanied by signed hard copy preferably in Word format, and e-mailed to [jchr@parliament.uk](mailto:jchr@parliament.uk).

## **Protocol for the Provision of Medical Evidence to the AIT**

A draft protocol has been written by the Medical Foundation for the Care of Victims of Torture for the Tribunals Service. The protocol is designed to provide best practice in obtaining medical evidence for use in appeals, provide background information on the role of medical reports, encourage early recognition of when a medical report would be appropriate and inform legal representatives about the information that is required by the suppliers of medical reports and guidance on situations in which funding is covered by the legal aid scheme.

## **Asylum Support Appeals Project (ASAP)**

### ***A lack of legal aid and legal representation leaving asylum seekers destitute***

A report from Asylum Support Appeals Project (ASAP), which provides free legal representation to asylum seekers at their NASS appeals, shows that competent legal representation can significantly reduce destitution amongst asylum seekers. While 62% of the appellants who were represented by ASAP during their oral hearings have had their cases allowed or remitted back to NASS for reconsideration, this was only true of 20% of those individuals who had no representation at their asylum support appeals.

Currently, there is no public funding available in this area of law and very few solicitors are prepared to represent asylum seekers with their asylum support appeal hearings because they do not get paid for their work. Asylum seekers who are dependent on support from NASS, which is set at 70% of Income Support, have no

means to privately pay for the solicitors' fees. Those who are already destitute by definition have no money. As a result, the vast majority of the asylum seekers who appear in person before the Asylum Support Adjudicators in Croydon must defend their right to NASS support by themselves.

Insufficient time allowed to complete the Notice of Appeal form and gather evidence for their case, lack of access to competent advice, language needs and mental and physical health issues also act as barriers for asylum seekers when they try to exercise their legal rights. 56% of the appellants assisted by ASAP were vulnerable because of mental and physical health issues due to or caused by torture, rape, self-harm, depression, pregnancy and HIV. 70% of them had no fixed address and were already suffering from various effects of homelessness by the time they arrived at the court.

Asylum support appeals operate in a relatively less well-known area of law and very little expertise exists. However, asylum support appeals are one of the very few avenues through which asylum seekers, most of whom are barred from entering into employment, can overturn NASS decisions to stop their accommodation and/or subsistence support, their basic survival needs, while their asylum claim is being processed.

Asylum support appeals affect not only those who are currently supported by NASS but also those failed asylum seekers who could be entitled to Section 4 support. Not providing legal aid to allow these individuals to access competent legal advice on their NASS appeals could lead to creating a large group of destitute (failed) asylum seekers unnecessarily. Accordingly to the official figures, NASS currently supports 46,910 asylum seekers. However, the number of individuals who might be entitled to NASS support such as Section 4 support but are not receiving it remains unknown.

ASAP calls for the Legal Service Commission to address this problem and is concerned that the current situation is creating a class of second-class citizens, asylum seekers, who are denied their chance to defend their legal right to basic support. ASAP also encourages more advice agencies and refugee community organisations

to actively assist asylum seekers with their asylum support appeals.

ASAP also offers free training to London based refugee community organisations. The training courses can cover topics such as 'Who can get Section 4?', 'How to complete Notice of Appeal Forms' and 'Representing asylum seekers at their NASS appeals'.

The project can be reached at: Cornerstone House, 14 Willis Road, Croydon CR0 2XX  
020 8684 5873 or email: eiri@asaproject.org.uk

## **Housing News**

### **Housing and Dispute Resolution**

The LCF joined other housing professionals at a conference held on 30th June at the Law Society to debate the proposals contained in the Law Commission's Issue Paper on proportionate dispute resolutions. There was some lively debate and we were pleased that many Law Centre housing workers were able to come. The LCF submitted a response to the consultation in July, which included many examples of Law Centre work. If you would like a copy, please contact Lynn at [lynn@lawcentres.org.uk](mailto:lynn@lawcentres.org.uk).

Our thanks are given to the Law Society for organising this event.

### **HMOs**

Since 6th July, landlords failing to licence their properties in multiple occupation can be prosecuted by councils and face fines of up to £20,000. At the same time, the government issued guidance for councils on the procedures they must follow to get authorisation from residential property tribunals to make Empty Dwelling Management Orders.

### **Tenancy Deposits**

The new Tenancy Deposit Protection scheme will now come into force on 6th April 2007.

There will be two types of scheme: a single custodial scheme (where deposits will be paid in a separate account) and one or more insurance-based schemes (where the landlord or agent will hold the deposit and any failure on his/her part

to repay it to the tenant will be covered by the scheme's insurance arrangement). Each scheme will offer an alternative dispute resolution service.

### **Overcrowding**

The government published a discussion paper, 'Tackling Overcrowding' in July.

The consultation considers options for raising standards and building them into allocation policies. £30 million is being provided to help councils provide settled homes for families in temporary accommodation. Schemes being looked at are ones using housing benefit to help purchase homes such as in Newham and Ealing. £20 million is being targeted at helping councils tackle overcrowding with schemes to carry out loft extensions or provide support for single people who want to move out of family homes.

The government has set a target of reducing the number of households in temporary accommodation by 50% by 2010. 12 local authorities and one housing association have been selected to act as Homelessness Regional Champions in 2006/07 to disseminate good practice in tackling homelessness. These include Nottingham, Barnet, Croydon and Plymouth.

At the end of July, a report by the Department for Communities and Local Government (DCLG) showed that the Bangladeshi community are most likely to experience overcrowding. Although there has been an improvement, 29% members of this community were overcrowded in 2004-05. While only 2% of White communities were found to be overcrowded, 11% of Black and minority ethnic households were overcrowded overall.

### **Homelessness**

The Department for Communities and Local Government published a 250 page Homelessness Code of Guidance for Local Authorities. It gives local authorities guidance on how they should exercise their homelessness functions and apply the various statutory criteria in practice.

## Welfare Benefits News

### **Welfare Reform Bill**

The government published the Bill on 4th July. Key elements of the Government's reform proposals include:

- \* A new Employment and Support Allowance (comprising of contributory and non-contributory benefits plus severe disablement allowances), *'which will simplify the existing benefits system for those whose health affects their capacity for work.'*
- \* A focus on early intervention, with increased support to employers and employees in managing health in the workplace; improved absence and return to work management; and increased support to health professionals to enable them to provide holistic treatment plans.
- \* More customer contact and more employment advice and support for individuals with health conditions. .
- \* The ongoing development of disability rights to provide a level playing field for those with disabilities.

Housing benefit reform, which includes the national roll out of the Local Housing Allowance and a housing benefit sanction for anti-social behaviour is part of the Government's RESPECT agenda (see below).

### **DWP Action Plan**

In June, John Hutton, Secretary of State at the Department for Work and Pensions announced that the government intends to pilot a scheme *'that ensures that people who have been evicted as a result of anti-social behaviour undertake rehabilitation.'* If a family does not engage with process, a local authority will be able to issue a warning notice. If the household does not comply, they will be sanctioned when they claim housing benefit. The sanction will increase incrementally: a 10% loss of benefit for four weeks, 20% for a further four weeks and then a total removal for up to five years if they do not co-operate. Lower rates will apply to those in hardship. Those people who are sanctioned will have the right to appeal to the Tribunal Service. The government intends to start pilots in 2008.

### **Cities Strategy**

John Hutton, announced, *'a new and innovative approach to delivering welfare services'* at a summit in May. The strategy *'will give the opportunity to local providers and partners to come together in a single consortium and provide solutions to the specific problems that prevent people getting into the labour market.'*

Mr Hutton also announced the creation of a £90 million deprived areas fund that will allow successful consortiums to decide what local initiatives will best help the its national aim to reduce the numbers on incapacity benefit by 1 million and get 1 million older workers and 300,000 extra lone parents into work.

### **Child Support Agency to go**

At the end of July, the Department of Work and Pensions announced that The Child Support Agency is to be replaced by a slimmed-down operation which will concentrate on enforcing payments from the fathers most reluctant to pay for their children.

John Hutton said:

*'We need a fresh start that is not burdened by the failure of the past. So I propose to replace the CSA with a new organisation that is simpler but tougher on parents who do not pay up.'* He outlined the key changes, in line with Sir David Henshaw's recommendations, that would underpin the new system:

- \* Allow more money to go to children by significantly increasing the amount of maintenance that parents with care on benefits can keep;
- \* Lighten the load on the new body by providing better advice and guidance to parents and encouraging them to make their own voluntary arrangements;
- \* Further reduce the caseload for the new organisation by ending the rule that means parents on benefit are forced to use the CSA - whether or not they have a voluntary arrangement in place;
- \* Explore all methods of publicising enforcement action, including the feasibility of naming those successfully prosecuted;

- \* Enforce tougher penalties on parents who do not meet their responsibilities to their children - *'we will seek powers to suspend passports and impose curfews on parents who persistently avoid their responsibilities'*;
- \* Examine a range of options to ensure that more fathers take responsibility for their children, including changing the law on registration of births to encourage or require joint registration;
- \* Further strengthen parental responsibility by increasing the support we give to help lone parents back to work.

*'Sir David has proposed a radical approach to conversion - closing all existing claims and asking people to reapply. We do need a clean break to ensure the new body does not get dragged down by past failures. But I am conscious of the need to ensure that where arrangements are working properly through the existing CSA, the flow of money to children should not be disrupted.'*

*'This is one area I propose to look at in detail before deciding a way forward,'* he said. Within the government's response are questions for consultation - the DWP wants to hear views from across the board. A White Paper will follow in the autumn.

Sir David Henshaw's report can be found on the DWP website at:  
[dwp.gov.uk/childsupport/henshaw\\_report.asp](http://dwp.gov.uk/childsupport/henshaw_report.asp)

## **Tax Credit System**

Figures being published on 31st May revealed that £1.8bn was overpaid in 2004/05 on more than 1.9 million claims. While down on the previous year's £2.2bn, it will be the second successive year in which vast amounts of money have been wrongly paid out despite government pledges to tackle the problem. HM Revenue and Customs has previously written off £1bn, accepting that it will be impossible to claim back cash paid out in error. There has also been criticism that attempts to reclaim overpaid credits by reducing the amount of money paid out to individuals and families has left claimants in poverty.

Alongside other organisations, the Child Poverty Action Group (CPAG) has campaigned for reform of the tax credit system to help low-income families. Many of the changes it has called for are now being implemented. CPAG's Chief Executive, Kate Green said, *'Tax credits have helped millions of low-income families, but they have not always worked as successfully as they should have done. Behind the £1.8 billion figure are the stories of thousands of families who have struggled to survive when overpayments have been clawed back by the Revenue.'*

CPAG would like to see further reforms including a statutory right of appeal against overpayment decisions and the option of face-to-face advice for claimants who need it, perhaps by basing Revenue staff in local Jobcentre Plus offices.

The number of tax credit complaints submitted to the independent Adjudicator's Office increased three times last year. Almost three-quarters were upheld in the claimant's favour.

The deadline for tax credit claimants to return their Annual Declaration is 31st August. From November 2006, the range of circumstances that claimants have to report on will increase to include changes in working hours to above 16 or 30 hours and the number of children for which the family can claim support. HM Revenue and Customs will introduce limits on the reduction of tax credits in-year at the same levels as the limits already set for the recovery of overpayments from the previous year. The tax credits helpline is 0845 300 3900 or visit: [hmrc.gov.uk](http://hmrc.gov.uk).

## **Remote Access Terminals**

Local Authorities are allowed to view and/or download information from the DWP computer system to help them access entitlement to Housing Benefit and Council Tax Benefit.

DWP has developed a new, secure web-based link to replace the RAT, which will allow local authority staff to access the information via their desktop PCs. The national roll-out is to be completed by November 2006.

## Employment News

### **Employment Tribunals - Claims up by one third**

The Employment Tribunals Service's Annual Report for 2005/06 reports that the total number of claims is up by a third, to 115,039, reversing a previous downward trend. Practitioners say that the number of claims will continue to rise because there have already been 21,000 more equal-pay cases started against the NHS alone since March. Claims heard at employment tribunals over the European Union Working Time Directive have increased ten fold - 35,474 claims were made during the 2005-06 financial year, up from 3,223 in the previous year. ETS also recognise the likely impact of the new age discrimination legislation coming into force in the autumn and expect the number of claims to rise next year.

Equal-pay cases have also increased, more than doubling year-on-year to 17,268. The ETS also reports that there has been 41,832 unfair dismissal claims, up from 39,727. The typical unfair dismissal award has increased from £3,476 to £4,228. The maximum is £58,400. The typical award for disability discrimination, where there is no maximum limit, increased from £7,500 to £9,021. The highest award during the 2005-06 year was £138,650.

### **Protection from Harassment**

A unanimous House of Lords decision handed down on 12th July 2006 has confirmed that an employer can be vicariously liable under the Protection from Harassment Act 1997 for harassment committed by an employee in the course of his employment. It has also upheld that employees bringing a claim under this Act do not need to prove that they developed a psychiatric illness - anxiety and distress are sufficient - or that the employer should have foreseen what happened. This is contrary to the requirements of bringing a successful harassment claim under one of the anti-discrimination Acts and represents a lower hurdle for employees to clear.

They also have six years, rather than the ordinary three years for personal injury claims, to bring their claim.

The case - *Majrowski v Guy's and St Thomas' NHS Trust* - stemmed from a harassment claim brought by Mr Majrowski, an administrative assistant at the hospital. He alleged that his departmental manager had subjected him to homophobia-fuelled bullying and intimidation. The case was initially struck out on the ground that the legislation it invoked was aimed at victims of stalking and was not intended to open another avenue for employees to bring harassment claims.

However, a majority decision from the Court of Appeal went in Mr Majrowski's favour - and the House of Lords has now upheld this. The case can now go to trial.

### **Sexual Harassment at Work**

**Coventry Law Centre** acted for an employee who had been sexually harassed by her employer. Their client had previously made a successful claim against her employers for passing her over for promotion. She had remained in the job. Fiona Monk, solicitor at Coventry Law Centre said, *'We always hope that employers will learn once they have been held responsible for discrimination and forced to pay compensation. Sadly, some employers don't learn.'* Their client received £57,000 in compensation.

### **Fixed Term Contracts**

Fixed-term employees who have worked under successive fixed-term contracts for four years or more gained permanent status if they have been continuously employed since 10th July 2002.

### **Fair Wages**

The DTI and HMRC have launched a campaign to ensure a fair wage for **nursery workers**. Research by the HMRC found that one in three of the nurseries they visited had been paying less than the minimum wage. The national minimum wage helpline is on 0845 6000 678.

### **Rural Poverty**

The Commission for Rural Communities published *'Rural Disadvantage: Priorities for Action'* in June. It is a review of research evidence on rural disadvantage. The paper suggests that there are three critical factors for rural people, in both experiencing and escaping disadvantage. Policies should address:

- \* Financial Poverty
- \* Access Poverty
- \* Network Poverty

The paper suggests that action to tackle rural disadvantage is required on four levels:

- \* **People:** actions to help people overcome their disadvantage
- \* **Places:** actions to help improve local opportunities more generally
- \* **Perceptions:** action to change attitudes and culture that lead to rural disadvantage being hidden or ignored
- \* **Processes:** actions to ensure policy is designed and implemented in a way that meets rural needs.

The paper sets out 23 priorities relating to the above areas. Priority 19 relates to processes and says, *'Underlying many of the challenges facing disadvantaged people within rural communities is their access to services. Service providers frequently do not deliver the same quality and level of services to rural areas as they do in other areas.'* The authors recommend that there is a review of rurality in resource allocations as part of the Comprehensive Spending Review 2007. Priority 22 says, *'Perhaps one of the central challenges is that of targeting, given competing priorities for action and resources. The area-based approach of targeting programmes to tackle disadvantage in concentrated spatial areas does not capture the nature of rural disadvantage, where people experiencing disadvantage are scattered. There is an on-going debate about the effectiveness of area-based approaches, but it is clear that there is a need for policies and associated targets that focus on people rather than place, wherever they live (be it urban or rural areas), as this will address rural poverty more effectively.'*

Visit: [ruralcommunities.gov.uk](http://ruralcommunities.gov.uk) for a copy.

In July, Defra published a *'Rural Services Review'*. The report aims to give people living in rural areas a better understanding of the access to services they can expect. The review says access to legal services will improve following the implementation of the LSC Strategy.

## Funding News

### **The Big Lottery Advice Plus Fund**

The Advice Plus programme will fund projects that benefit the people who need advice and the organisations that provide it. It will fund projects that raise awareness of, increase access to, or improve existing advice services.

They will also consider funding new advice services or new ways to meet identified needs where no, or limited, services exist.

The focus of Advice Plus is projects that support people in accessing the services and benefits they may be entitled to, such as housing, education and health services, or welfare benefits.

Between 2006 and 2009, £50 million will be available to projects in England. There will be three rounds of awards with closing dates in October 2006, October 2007 and October 2008.

Law Centres can apply for up to £500,000 in total for capital and revenue projects lasting up to five years. Exceptionally, for England-wide projects, they will consider applications for more than £500,000. If you intend to apply for more than £500,000 please discuss your plans with the Big Lottery before you apply.

Visit: [biglotteryfund.org.uk/apply-uk](http://biglotteryfund.org.uk/apply-uk) for further information on Advice Plus.

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## Shorts

### **Compact Advocacy**

The Compact Advocacy Scheme campaigns and advocates for the voluntary and community sector. Their role is to ensure that the government sticks to the Compact. They offer advice and support through their website: [ncvo-vol.org.uk/compactadvocacy](http://ncvo-vol.org.uk/compactadvocacy) where the Compact Advocacy Toolkit can be downloaded. They also take on cases where there is a clear breach of the Compact. The Programme was looking for more local cases. Contact is Sultana Begum on 020 7520 2460.

## Indicators of Social Exclusion

The European Union is worked towards a new set of indicators of poverty and deprivation to use at a regional level. A study suggests that alongside the 'poverty rate' indicator, i.e. 60% of the median income, a series of indicators could be used at a regional level. These are:

- \* Propensity to poverty.
- \* Basic non-monetary deprivation
- \* Secondary non-monetary deprivation
- \* Lacking housing facilities
- \* Housing deterioration
- \* Environmental problems.

More information in the EAPN: eapn.org. This was taken from their newsletter May-June 2006 'Network News'.

Overall responsibility for social exclusion has now passed to the Cabinet Office. Hilary Armstrong, the social exclusion minister has set up a new Taskforce. She said that policy needs to *'concentrate much more on prevention instead of picking up the pieces of people's damaged lives'*. The Prime Minister has asked for an action plan to be published in the autumn setting out how to reach the most excluded.

## Charity Commission Changes

A new one-stop shop was launched in Liverpool in May. It is dealing with all new enquiries from charities and the public, whether by phone, post, fax or email, and aims to reduce complaints about delays and inconsistent responses. It includes a database of frequently asked questions providing immediate answers and a dedicated helpline for trustee enquiries, and later in the year will include a signposting facility to give details of specialist organisations for non-Commission enquiries. Charity Commission Direct can be contacted on 0845 300 0218 or via email: enquiries@charitycommission.gov.uk, or PO Box 1227, Liverpool L69 3UG.

### Advertising a Job ?

Contact Ward Diamond who will be happy to quote you special rates as members of the LCF

Telephone number: 020 7025 3500

The Commission recently published an updated *'Finding New Trustees: What charities need to know'*. It covers the importance of understanding who is and is not eligible to be a trustee (under charity and company law and the organisation's governing document), how to locate suitable people, vetting and CRB checks and appointing trustees. The publication is at: charitycommission.gov.uk/publications. Also on the site is *'Guidance on Collaborative Working and Mergers'* that gives guidance on various types of partnership and merger, issues to watch out for, and examples of arrangements.

## Victims of Mesothelioma

Mesothelioma is a cancer which is almost always caused by exposure to asbestos. There are now over 1,800 cases a year in the UK. An amendment was made to the Compensation Bill which will ensure that people suffering from mesothelioma due to another's negligence will be able to receive full compensation from any responsible person as quickly as possible. This amendment reverses the effects of the House of Lords' *Barker v Corus* judgment in mesothelioma cases. The new provision will have retrospective effect so that it will apply to claims which have been settled or determined on or after 3rd May 2006.

The **Compensation Bill** received Royal Assent on 25th July. After the regulations have come into force (expected date in spring 2007), any unauthorised person offering claims management services will be committing an offence and will be liable to up to two years imprisonment. A key part of the new regulatory regime is an external monitoring and compliance unit.

## Link-Age Plus

The government is piloting a programme, called Link-Age Plus, to test out their proposed Sure Start-style service for disadvantaged people over 50.

There will be eight pilot sites in the London Borough of Tower Hamlets. They will also run in Devon, Gateshead, Gloucestershire, Lancaster, Leeds, Nottinghamshire and Salford.

## Children and Young People

The Economic Secretary to the Treasury, Ed Balls, and Schools Minister, Andrew Adonis launched a government policy review of children and young people on 5th July. It is intended to inform decisions in next year's Comprehensive Spending Review on what further steps can be taken to improve the life chances of children and young people.

Under the umbrella of the children and young people review, sub-reviews will focus on:

- \* How services can provide greater support to families with disabled children
- \* What strategy should be adopted over the next ten years to deliver a step change in youth services
- \* How services for families and children at risk of becoming locked in a cycle of low-achievement, high harm and high cost can be reformed.

Submissions can be set to [cypreview@hm-treasury.gov.uk](mailto:cypreview@hm-treasury.gov.uk)

A new duty is to come into force in January 2007 which will require all councils to secure positive activities for all teenagers.

## Special Educational Needs

The Education and Skills Committee reports that there are serious flaws within the SEN system regarding the consistency of provision, the statementing process and teacher training. It calls for a statutory requirement to be placed on local authorities to provide a wide range of flexible SEN provision, including high quality special schools, and for minimum standards to be introduced to stop parents having to fight for services.

## Charitable Fee Sharing

Changes have been made to the Solicitors' Practice Rules to enable charitable fee sharing. This is where the client pays for the solicitor's services and agrees to pass some or all of the fees earned to a charitable third party. Changes have been made to practice rule 7, practice rule 18, the Solicitors' Costs Information and Client Care code and the Employment Solicitors' Code.

Further information on pro bono and charitable fee sharing is on the Law Society website under professional conduct and guidance: [lawsociety.org.uk/professional/conduct/](http://lawsociety.org.uk/professional/conduct/)

## Super ASBOs

The Home Office has issued a consultation on introducing Serious Crime Prevention Orders (SCPO). They are designed to target organised crime and will be used in the similar way to anti-social behaviour orders. It is said that it could act as an extra option in the run-up to a criminal prosecution '*aimed at restricting the amount of harm a suspect could inflict while a case is being prepared.*' In June, John Reid, the Home Secretary also launched a new national 'Respect Squad'. '*This squad of trouble-shooters can be called in to tackle incidents of persistent anti-social behaviour*' and will be called in to accelerate action where police and local authorities need extra support, or where severe cases are going unchecked. The team will investigate a case and make recommendations for progress to the Crime Disorder Reduction Partnership chair.

## Conferences

**CRE Race Convention 2006** 'A Catalyst for Change' is taking place on 27th and 28th November at Queen Elizabeth II Conference Centre in London. The conference will include an international race convention. Keynote speakers include Trevor Phillips, chair of the CRE. Voluntary sector delegates: £295 plus VAT. Information on the CRE website: [cre.gov.uk](http://cre.gov.uk) or [raceconvention2006.com](http://raceconvention2006.com).

**Safe from Harm ? Health and Social Care for vulnerable refugees and asylum seekers** Conference organised by the Refugee Council and taking place on 1st November in London and on 7th November in York. Information about all their conferences is at: [refugeecouncil.org.uk](http://refugeecouncil.org.uk).

### Copies of Networking

Would you like a copy of 'Networking' emailed to you direct ?  
If so, please send Lynn your email address  
([lynn@lawcentres.org.uk](mailto:lynn@lawcentres.org.uk))

If you are member of a Law Centre Management Committee, and would like a copy sent to you, either send her your home or email address.

Networking is also on the LCF website under Publications.

## Training

### **Immigration and Asylum Accreditation**

Applications to be accredited as an advanced caseworker are considered by the Law Society's Advanced Caseworker Selection Panel. The next meeting of the panel is on 16 October 2006 - the deadline for receipt of applications is 21st August 2006. Practitioners must achieve senior caseworker accreditation to the required standard before they are eligible to apply for advanced caseworker accreditation. The Written Standards were amended in March and can be found on the Law Society's website.

**The Law Society** has also published guidance on their website: [panels.lawsociety.org.uk](http://panels.lawsociety.org.uk). Accredited Advanced Caseworkers (at the moment) receive 5% enhanced rates from the LSC and are accredited to the highest standard.

**CLT (Central Law Training)** undertakes assessments of publicly funded advisers. The closing date for assessments is 22nd September. Visit: [clt.co.uk](http://clt.co.uk) for their list of available courses. If you booking training or conferences please quote the LCF reference number 2242. If you would like information about accreditation from the LSC on the need for assessments, levels, time periods or information about the supervisor level, contact Grazia Trivedi on 020 7759 1474.

LSC Accreditation **HJT Training** provides a range of courses on immigration and asylum. This includes a four day LSC and OISC Accreditation Course in London in September and costing £500. They also offer Immigration Law Foundation Courses and LSC Accreditation Revision Days. Further information at: [hjt-training.co.uk](http://hjt-training.co.uk). HJT also publish training notes. A manual of over 400 pages costs £75.00 a copy plus £5.00 p&p. Call 020 8303 3013 for information.

**JCWI Training** Preparing and presenting asylum appeals (LSC Level 2, OISC Level 3) takes place on 12th October. Judicial Review of immigration decisions takes place on 5th October and Civil Claims against the Home Office takes place on 25th January. Visit: [jcw.org.uk](http://jcw.org.uk) for details.

### **Public Law and Ombudsman Training Day**

25th October This is a half-day course to give solicitors and advisers the knowledge and tools to make effective use of the non-litigation remedies available within public law. The event is designed to enable delegates to choose a pair of workshops on the area most relevant to their work. One focuses on first tier internal complaints systems and the other on second tier ombudsman complaints systems. £50.00. Please contact Hannah Jones in the Training Department at Public Law Project. Email: [h.jones@publiclawproject.org.uk](mailto:h.jones@publiclawproject.org.uk).

### **Effective Recruitment and Selection**

26th November A new course by the Directory of Social Change. Other courses include 'Proposal Writing for Beginners' - a fundraising course on 5th October, 'Taking an Outcomes Approach' on 16th November, 'Managing Conflict to Maximise Performance' on 6th October. 'Chairing Skills' on 27th September and 'Facilitating and Group Dynamics' on 25th October. The DSC also holds a series of training days throughout the country for those wishing to apply to the Big Lottery for funds. For more information, visit: [dsc.org.uk](http://dsc.org.uk).

The London Voluntary Service Council provides a wide range of management courses. These include '**Your responsibilities as a management committee**' 19th and 26th September, 'Health and safety risk assessment' on 12th September, 'Project management' on 19th and 20th September, 'Dealing with difficult people' 15th December, and 'Organising your office' on 24th October. Visit: [lvsc.org.uk](http://lvsc.org.uk) for more information from the Learning Team.

**Happy Computers** have published their summer training programme. It can be viewed on their website: [happy.co.uk](http://happy.co.uk). *Don't forget to look for last minute deals.*

## Books

**Consumer Credit Act 2006: A Guide to the New Law** by Julia Smith and Sandra McGalla. Published in August and costing £44.95 plus p&p. The Act is expected to come into force in 2007 and will create new powers to courts to redress the balance in 'unfair relationships' between debtors and creditors. The book is published by the Law Society. Orders can be made via email: [law.society@marston.co.uk](mailto:law.society@marston.co.uk).

**Skills in Neighbourhood Work** One of many publications on working with local communities This one costs £20.99. Other publications include 'Community Development and Networking' (£7.95), and 'Building Community Strengths: A Resource book on Capacity Building' (£18.50). All published by the Community Development Foundation. Visit: [cdf.org.uk](http://cdf.org.uk).

**Safe Communities Initiative: Defeating Organised Racial Hatred** CRE has published a new guide which includes chapter on 'Using Criminal and Civil law to deal with organised racist activity.' The chapter goes through all the relevant legislation and has sections on action that can be taken by members of the public and action that can be taken by local authorities.

**How voluntary and community organisation can help transform public services** Guidance published in June by NCVO by Ann Blackmore. This is an interesting paper and advocates that a radical approach is needed, that amongst other things, places citizens and communities, not just individual consumers, at the heart of the reform process; that there is the recognition of the need for a holistic approach and gives as much weight to effectiveness as it does to cost savings. At the moment the emphasis is on commissioning services and 'breaking down the barriers' for third sector involvement. For example, the Department of Health has recently published a report on how Primary Care Trusts could be encouraged to engage with the sector. The Third Sector Commissioning Task Force is publishing a second commissioning framework in December 2006. This will include commissioning for health and well-being. The NCVO paper can be found at [ncvo-vol.org.uk/policy](http://ncvo-vol.org.uk/policy).

**Together We Can** The Department for Communities and Local Government published their first review of Together We Can in June. The review looked at schemes where residents were given more control over the communities. At the launch, Ruth Kelly, Secretary of State referred to the government's commitment to empowering local 'local people to shape local policies'. The Department plan to publish a White Paper in the autumn setting out the government's vision on the future form and function of local government.

**Disability and Work: A Trade Union Guide to the law and good practice** The Guide includes up-to-date case studies to show how the courts have interpreted the DDA, and recommendations of good practice. The TUC has also published, 'HIV and the Workplace'. It provides basic advice for trade union members and representatives.

**Making the Stress Management Standards work: How to apply the Standards in your workplace** New publication from the Health and Safety Executive.

CPAG has published an updated guide to child support. This is the 14th edition of the '**Child Support Handbook**' and it costs £23.00 plus £3.99 p&p. Email enquires to [bookorders@cpag.org.uk](mailto:bookorders@cpag.org.uk).

### Data Protection Good Practice Notes

The Information Commissioner's Office has issued a range of short good practice notes, summarising data protection law on: outsourcing, recording professional opinions about individuals, subject access and references, including employment references, disclosing information about tenants and charities and marketing practice.

In his good practice note on references, the Information Commissioner confirmed that:

- \* if a person asks for a copy of a confidential reference you have written about them relating to training, employment or providing a service, the reference is "exempt information" and you do not have to provide it to them;
- \* although you do not have to provide a copy of a confidential reference you have written, it would generally be reasonable to provide it anyway where the reference is wholly or largely factual in nature or the person is aware of the appraisal of their work or ability;
- \* a person who receives a reference might have to disclose it to the individual - even if it is marked confidential and even if the referee says they do not want it disclosed. The good practice note sets out the criteria to be considered in weighing up confidentiality versus disclosure. Visit: [ico.gov.uk](http://ico.gov.uk) for a copy.

## Leaflets

**Human Rights Belong to Everyone** A leaflet from the Refugee Advocacy Project at Education Action. Information on 020 7426 5825 or at: [education-action.org](http://education-action.org). Education Action is also hosting courses for refugees and asylum seeking. The next course runs from 18th September to 8th December. Deadline is 18th August. Email enquires to: [enquiries@refugee-advocacy-project.org.uk](mailto:enquiries@refugee-advocacy-project.org.uk).

**Are you over 50?** New leaflet from the Pension Service. The guide covers an overview of services across Government. Can be ordered from the Pension Information Line on 08456 31 32 33 or from: [pensionservice.gov.uk](http://pensionservice.gov.uk).

Leaflets for the public on the **Disability and Carers Service** are now available from: [direct.gov.uk/disability](http://direct.gov.uk/disability). Directgov also provides direct links to the e-services for Disability Living Allowance, Attendance Allowance and Carer's Allowance, allowing claimants to claim on-line from the site. The DWP site, including pages on the DCS, will continue to carry information for advisers - visit: [dwp.gov.uk/dcs](http://dwp.gov.uk/dcs).

**Reaching out to Veterans** DVD produced by the Veterans Agency gives advice and practical support to veterans and their families. The DVD is available free from the Veterans Agency. Visit: [veteransagency.mod.uk](http://veteransagency.mod.uk).

**Volunteering: A new guide to help advisers assist clients** 'A Guide to Volunteering while on Benefits' covers the main benefits in a 'one-stop-shop' format. It can be found at: [dwp.gov.uk/publications/volunteering](http://dwp.gov.uk/publications/volunteering). Copies of this and other leaflets can be order from: [dwp.gov.uk/advisers/cat1](http://dwp.gov.uk/advisers/cat1).

**Duties of Charity Trustees** published by Bates, Wells & Braithwaite. Website address: [bateswells.co.uk](http://bateswells.co.uk)

**Age Discrimination** The DTI has published 8 factsheets. No.1 - An Overview, No.2 - Objective Justification, No.3 - Transitional Arrangements, No.4 - Vocational Training, No.5 - Service Related Benefits, No.6 - Redundancy, No.7 - Retirement, No.8 - Occupational Pensions

**Whistleblowing Best Practice Guide** Free if you email: [eo@pcaw.co.uk](mailto:eo@pcaw.co.uk) or call 020 7404 6609. More information about Public Concern at Work is available on their website: [pcaw.co.uk](http://pcaw.co.uk). Among their activities they free advice to people who are worried about crime, danger and wrongdoing at work, but are unsure whether or how to raise the concern.

CD-Rom, '**Just Job Evaluation: The PEACe Approach**' has been produced for the voluntary sector and can used to help set staff salaries. PEACe (Personnel, Employment Advice and Conciliation Service) provides '*expert and up-to-date advice and guidance on all employment issues to London's voluntary sector employers.*' Their free help-line number is 020 7700 8147 Wednesday and Friday. More information at: [lvsc.org.uk](http://lvsc.org.uk).

**Voluntary Sector Strategic Analysis 2006/07** An overview of the operating environment and strategic drivers for UK voluntary organisations published by NCVO. NCVO hope to launch a new third Sector Foresight website in the next few months. The publication includes a pull-out Impact Assessment Tool.

## Reports

**The Social Fund: Current Role and Future Direction** A study by the Joseph Rowntree Foundation says that people who borrow money from the Social Fund is making only a '*limited contribution to the Government's objectives of combating poverty and social exclusion*'. It claims that many people are repaying loans from benefits, which '*just serves to further reduce the income of some of the poorest members of society*'. Kate Legge, lead author of the research, said that in its current form the Social Fund is not doing enough to reduce poverty and social exclusion. She said the fund needs radical reform, including making the system more grant-based, speeding up decisions on applications, and creating a more flexible repayment system. A Department for Work and Pensions spokeswoman said that the Government is interested in all research and is currently '*reflecting on ideas*', and '*considering all views and concerns about the Social Fund and how it operates*'.

**Financial Ombudsman Services Annual Review 2005-06** is now out.

**'Action Not Words - Consumers Matter'**

Second Annual Report from the Legal Services Complaints Commissioner. 'Striving for Excellence', the Legal Services Ombudsman' Annual Report was also published in July.

**Helping more People deal with their Problems** 2005/06 Annual Report from the Legal Services Commission is now out.

**Local Government Ombudsman Annual Review** 'Delivering Public Value'. The report says that the Ombudsman asked local authorities to provide a remedy in 27% of the complaints received over the year. They also recommended payments totaling £1.67m *'where councils were found to be at fault in 2,842 complaints that resulted in local settlements and 120 complaints that resulted in formal reports.'* The report also reports that they have made progress in seeking powers to carry out joint investigations with the Parliamentary and Health Service Ombudsman, and to issue joint guidance and reports. They hope that this will be achieved by early 2007.

**Local Government and Child Poverty: Making a shared commitment a shared reality** A discussion paper from the Local Government Association published in March 2006.

**Formative Evaluation of the Take-up and Implementation of the Well Being Power.** Annual Report published by the Department for Communities and Local Government.

The **Council on Tribunals** published their 2005-2006 Annual Report in July. The report includes the establishment of the new Tribunals Service.

**Civil Justice Council** Annual Report for 2005 has been published.

**Empowering the Voluntary Sector**

The first edition of the newsletter for the 'Empowering the Voluntary Sector' project was published in July by the Public Law Project.

The project is providing training to equip the voluntary sector with the skills to negotiate effectively with public bodies on issues such as challenging funding cuts, failures to consult on

policy changes, and local authority decisions concerning the provision of services. There will be a minimum charge of £25.00 per person.

The project operates an advice line which provides free details legal advice on disputes. the line is open now on 020 7697 2198.

**Consultation papers****Smoking Ban**

The Department of Health has published draft regulations for consultation. The consultation of 'Smoke-Free (General Provisions) Regulations will end on 9th October. Note there is no exception for designated 'smoking rooms'. Employer can be fined and employees (or visitors) caught smoking will be subject to a fixed penalty of £50.

*Most of the current consultation papers have been referred to elsewhere in 'Networking'*

**Jobs****Law Centres Federation  
Executive Assistant**

LCF is the umbrella organisation for Law Centres that provide specialist services in social welfare law. Typical duties will include administration of events, including our annual conference, supporting internal communication within LCF, minute taking, typing and the general administration of our office in Warren Street, London.

This calls for strong administrative and secretarial skills and a demonstrable commitment to LCF's ideals.

Application deadline: 12 p.m. 9th August

Salary: £25,395 + 5% pension contribution

For more information:

Contact Ward Diamond for an application pack quoting reference LF/EA on 020 7025 3566 or email [lcf@wdad.co.uk](mailto:lcf@wdad.co.uk)

*The Law Centres Federation is an equal opportunities employer and welcomes applications from all sections of the community.*

## **Chesterfield Law Centre® / Chesterfield Citizens Advice Bureau** **Debt Caseworker / Trainee Debt Caseworker**

### **EMMA - EAST MIDLANDS MONEY ADVICE**

EMMA is an innovative partnership of advice agencies delivering debt and money advice across the East Midlands, funded by the Department of Trade and Industry's Financial Inclusion Fund.

Chesterfield Law Centre and Chesterfield Citizens Advice Bureau, working in partnership, are seeking to recruit two highly motivated advisers to be part of this exciting new project. Both posts are funded up to 31st March 2008 and any continuation after this date is dependent on additional funding becoming available. Successful applicants should have effective communication and negotiation skills, be organised and flexible with a strong enthusiasm for debt work. Both post holders will be required to participate in specialist money advice training.

**Trainee Debt Caseworker** - based at Chesterfield Citizens Advice Bureau

A unique opportunity for an enthusiastic person to embark on a career in money advice. Salary : £17,252 rising to £21,588 from 1st April 2007 (dependent on successful completion of training and probationary period). 37 hours a week

For further details or an application pack (No CVs) contact Tina Jones at Chesterfield CAB on 01246 220864, or write to 6-8 Broad Pavement, Chesterfield, Derbyshire S40 1RP (enclosing an A4 SAE) or email [tina.jones@chesterfieldcab.co.uk](mailto:tina.jones@chesterfieldcab.co.uk)

**Debt caseworker** - based at Chesterfield Law Centre

We are particularly interested in applicants who already have training and experience in advice giving and preferably some experience in money advice or housing debt work. Salary : £21,588 : 35 hours a week

For an application pack contact Chesterfield Law Centre on 01246 550674, or write to 44 Park Road, Chesterfield, Derbyshire S40 1XZ, email: [clc@chesterfieldlawcentre.org.uk](mailto:clc@chesterfieldlawcentre.org.uk)

Application deadline: 12 noon, 17th August

*Both agencies are striving to be equal opportunities employers and welcome applications from all sections of the community.*

Interviews will take place on Thursday 7th September 2006 (Law Centre post) Friday 8th September (CAB post)

## **Springfield Law Centre** **Mental Health Solicitor**

Based in Springfield University Hospital, Tooting, Springfield Law Centre provides free legal advice and representation to mental health service users. Following the redevelopment of our services, we have an excellent opportunity for a qualified solicitor to play an instrumental role in driving the next stage of our growth. Backed by fresh funding, you'll put your skills to worthwhile use, acting as a supervising solicitor and ensuring that the Centre complies with LSC requirements. If you have at least 3 years' experience in all aspects of Mental Health Law, you won't find a better chance to make a real impact.

Salary: £32,112 (inc. ILW) + 5% pension

For an application form please call 0208 767 6884 or e-mail: [thelawcentre@springfieldhospital.freeserve.co.uk](mailto:thelawcentre@springfieldhospital.freeserve.co.uk)

*Springfield Law Centre is an equal opportunities employer and welcomes applications from all sections of the community.*

## **Paddington Law Centre®** **Lawyer / Caseworker: Housing & Employment**

Paddington Law Centre requires an experienced Lawyer /Caseworker:Housing & Employment.

Deadline: 23rd August 2006 Salary: £31,746 + 10% non-contributory pension Interviews: 5th September

*The Law Centre strives to be an equal opportunities employer.*

### **LCF Staff**

Noeleen Adams, London Unit Manager, Victor Adetiba, Finance Worker (P/T), Busayo Akinyemi, Disability Rights Project Worker, Lynn Evans, Policy Manager, Steve Hynes, Director, Metin Kemal, Regional Development Manager, Savita Narian, SORBAEE Project Manager, Minaxi Panchal, London Training and Organisational Development, Stella Russell, Regional Development, Emma Reimer, Administrator (who sadly will be leaving the LCF on 10th August).

Members of staff can be contacted by email by using their first name followed by [@lawcentres.org.uk](mailto:@lawcentres.org.uk).

**Please let us know if you have news about your Law Centre:**  
**Staff Changes • New Initiatives • New Funding • Case Successes •**  
**Meetings and AGMs**

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