

Ministry of Justice Green Paper – proposals for the reform of legal aid in England and Wales

Briefing to Members of Parliament



The proposed legal aid cuts will:

- *lead to significant additional costs to Ministry of Justice, across central and local government;*
- *deny the most vulnerable in society access to justice;*
- *undermine the rule of law*
- *likely destroy the charitable legal advice sector leaving poor people nowhere to go with their problems but MPs surgeries.*

Who we are

The Law Centres Federation is the representative body for the national network of community based Law Centres. There are currently 56 Law Centres delivering a range of innovative legal services to financially and socially disadvantaged individuals and communities.

Embedded in local communities, run by committees of local people, not-for-profit and staffed by teams of expert lawyers who have chosen to base their careers on service rather than on profit, Law Centres provide free legal advice and assistance to the poorest and most vulnerable members of society. Without Law Centres and other not-for-profit advice agencies, hundreds of thousands of people will have no meaningful access to justice.

Law Centres provide legal advice and representation on a variety of civil law matters, including housing and homelessness, employment, discrimination, immigration and asylum, more complex debt and welfare benefits cases, some community care, mental health, education and family law work.

Each year Law Centres help 120,000 people. Independent research found that for every £1 spent by a Law Centre in the provision of legal service, at least £10 was generated in savings and social benefits.

Law Centres rely on legal aid, local authority grants and corporate and individual generosity to provide these services. All of these areas of funding are under threat.

The Green Paper Proposals

A fundamental re-drafting of the legal aid scheme is proposed, making it accessible **only through a telephone service** and removing legal aid for whole areas of law, including:

- Most debt matters;
- All welfare benefits problems;
- 40% of housing problems;
- All immigration issues unless the client is in custody;
- Employment problems;
- Most Education problems;
- Divorce, family finance and contact issues, except where there is physical domestic violence.

It also proposes an overall 10% cut to the fees paid to legal aid practitioners (planned for October 2011) and changes to the eligibility rules to make it even harder for people to qualify for legal aid.

In an attempt to save £350 million, the Ministry of Justice intends to make £279 million of those savings from civil legal aid by cutting access to the services that help disadvantaged and vulnerable people cope with problems that arise in their everyday lives such as problems with family breakdown, employment, housing, education and debt. If these problems are left unsolved, they escalate and result in far greater costs elsewhere in the system. The removal of these areas of legal aid means the poor will no longer be equal before the law, nor have the means to assert their rights.

According to the Ministry of Justice's impact assessment, 550,000 people will not receive this help should the proposals go ahead. This estimate is based on 2008/09 data. Based on LSC 2009/10 data, **in fact 725,000 people will be denied access**. This cut then represents over a 58% cut in civil legal aid services to the public and a 68% cut to legal help scheme which gives initial help and advice, and is the very service that is targeted at early intervention and avoidance of litigation. Cuts such as these have not been proposed for any other public services and they are cuts that will directly impact on the poor and those least able to have access to any alternative. They seriously undermine the rule of law in this country.

The Rule of Law

We draw your attention to a letter dated 27 January 2011, sent to the Right Honourable Kenneth Clarke QC MP from Dr Klearchos A. Kyriakides of the University of Herefordshire Law Faculty, which best expresses the deep concerns that Law Centres share about the impact of these proposals on the rule of law in the UK. To quote from Dr Kyriakides' letter:

"I would like to draw your attention the observations of Lord Clarke of Stone-cum-Ebony during his tenure as Master of the Rolls and Head of Civil Justice. According to Lord Clarke MR, the rule of law means 'more than a sound bite for rolling twenty four hour television news'. It follows that: 'It is not sufficient therefore to announce our commitment, either implicitly or explicitly, to the rule of law. We must have the means by which that principle can be given proper effect.'

*As Lord Clarke MR acknowledges, the rule of law cannot properly exist without an adequate legal aid scheme: 'Let me be clear', he explains, 'I am not suggesting that the taxpayer should be expected to provide a blank cheque. But I am suggesting that the State should properly understand that **properly funding the civil and family justice systems is as essential a part of a society committed to the rule of law** and to open democratic ideals, as is properly funding the criminal justice system. It is essential in this way because the three systems are in fact no more than three facets of an indivisible whole and it is that whole that is or should be the living embodiment of our commitment to the rule of law.'"ⁱ [emphasis added]*

i Lord Clarke of Stone-cum-Ebony MR, 'Access to Justice: Hope Springs Eternal – The Mary Ward Legal Advice Centre Annual Lecture', 15th July 2009, official website of the Judiciary: <http://www.judiciary.gov.uk/Resources/JCO/Documents/mr-mary-ward-lecture-150709.pdf> (last accessed on 27th January 2011).

The Proposed Justification versus the Actual Facts

The Green Paper suggests that the proposed cuts are justified because (i) legal aid has expanded beyond its original intentions, (ii) costly litigation needs to be disincentivised and alternative methods of dispute resolution found, and (iii) because savings of £350 million need to be made from the legal aid budget.

It also suggests that in most cases those no longer able to get help under the legal aid scheme will be able to help or represent themselves or access assistance through not-for-profit advice agencies.

All of these justifications collapse under even the slightest scrutiny and it is clear that, in the long term, these proposals will cost the Ministry of Justice, the Government and society considerably more than is saved.

Expanded beyond its original intentions?

In 1949, Lord Rushcliffe envisaged that legal aid would give access to justice to all those people of 'small or moderate means' and indeed 80% of the population were covered by it. In 1979, thirty years later, 79% of the population qualified for advice on **any** aspect of English Law. Thirty-one years further on, **in 2010 only 34% of the population qualify**. The original intention was to ensure that all UK citizens, regardless of means, would be treated equally and fairly before the law.

*"I believe that there is much in our British system of justice of which we can all be proud. **Its defect has been that it has not been equally available to everyone** and has depended upon the resources and advice for which one can pay. It has been said by one famous judge that justice is available to the public in the same way as the Ritz Hotel is available and on the same terms."*ⁱ

To suggest that legal aid has moved beyond the intentions of its framers in 1949 also ignores that society has changed considerably over the last 61 years.

It ignores the extent to which legislation and the law itself has been extended over that period. To quote again from Dr Kyriakides' letter:

In the words of the late Lord Bingham of Cornhill, who held the distinction of serving successively as Master of the Rolls, Lord Chief Justice and Senior Law Lord: 'In the year 2006 [alone], nearly 5,000 pages of primary legislation (Acts of Parliament) were enacted with in addition some 11,500 pages of subordinate legislation made by ministers. ... It seems that legislative hyperactivity has become a permanent feature of our governance.'

Reference to 'original intentions' ignores the will of every Parliament since 1949, which have sought to adapt the legal aid scheme to meet the needs of an evolving and changing society.

It also ignores that we now find ourselves in the harshest global and national financial situation since the 1930's and are facing massive changes to the benefits system. With growing unemployment and with the number of people in financial crisis rising, **now more than ever, the poorest in society need access to a strong legal aid scheme.**

i Arthur Skeffington MP, HC Deb 1954, v 531, cc 1889-98 (in a debate on the Legal Advice and Assistance Act 1949), emphasis added.

What alternative help is there?

When will you send your constituents when: they lose their jobs or are mistreated by their employers; when they are having problems with their home or landlords; when they are being chased by creditors and their debts are spiralling; when they have been incorrectly and unfairly denied benefits and can't afford to feed their children; and when grandparents are denied access to their grandchildren following a divorce? Where do they turn? Where can you send them?

At present they are likely turn to their local Law Centre or a similar agency – if you see them in your surgery you probably send them there. These agencies are the principal providers of legal advice in these matters and their disappearance will be the unintended consequence of the proposed cuts, along with the consequent added burden on MPs in their local surgeries.

Local not-for-profit advice agencies are part of the web of local organisations, known and trusted by local people and the first place they go at times of stress and difficulty. The Ministry of Justice estimates that the overall impact of these proposals on the not-for-profit advice sector is likely to be a reduction in legal aid funding of around 77%. **This will cause the collapse of many local not-for-profit advice agencies.**

Legal Aid income for Law Centres will be reduced from £9m in 2009/10 to just over £4m if all proposals are implemented. Together with cuts to Local Authorities and other Government funded programs, Law Centres will have to try to operate on 30% of their current budget.

Pro bono cannot fill the gap created by the shrinking of the charitable legal sector. Pro Bono lawyers need funded agencies to be able to provide their free service. Law Centres host them, provide premises, organize their appointments, provide their professional indemnity insurance coverage and train them in these areas of law which are very specialized and not the daily work of most law firms. This also ensured the transfer of knowledge and experience to future generations of socially conscious lawyers.

Then where will the poor go for help? Where will you send them?

To the telephone?

The proposal is that all remaining legal aid be taken away from local communities and accessed via a national telephone number. Around 45% of Law Centre clients only have expensive pay-as-you-go mobile phones because they are unable to obtain cheaper monthly tariffs, which depend on passing credit checks. Many are unable to understand their problems let alone to explain them to an adviser over the phone. Many can't read or at least not well enough to understand the documents they have – a significant part of the first appointment with a client can be taken up with working through the carrier bag of documents and unopened letters that clients bring with them. Many have language difficulties or other problems that will make it impossible for them to use a telephone based service. When faced with doing so many will just give up, ensuring that their problems will worsen.

Contrary to what many would assume, a telephone gateway service will deny legal help to young people. The Law Centres Federation and Youth Access have spent the past 10 years modelling best practice in young people's legal advice services. What is absolutely certain from our work on the ground is that referring young people to unfamiliar services does not work. So a scenario where a young person phones the gateway, is assessed as needing face to face advice, and then is told to access a service at a specific time and place will most likely result in the young person taking no action. Our services are successful when we go to youth venues, where a youth advisor introduces the young people to the legal adviser.

Importance of the first contact

Significant work has been done on the importance of the first contact with all people with legal problems, which establishes the trust that is required to get the whole story, all the evidence, and to understand the entirety of what is happening. If the client does not fully disclose or if the first contact fails to uncover the real or all the problems, then the situation will not be effectively resolved. The cost of the service is wasted. The problems escalate. Triage is not a cheap channelling device but rather a specialist service in its own right that requires experts to perform it.

Similarly much research has been undertaken on how to most effectively and cost-efficiently work with disadvantaged and marginalized people. This work indicates that the key factor in achieving a lasting outcome is trust and the quality of the relationship between (in this case) the client and the lawyer.

The first contact is critical for establishing an effective relationship.

Law Centres have always provided telephone advice where appropriate. Our concern is that first contact will have to be made via the telephone. Then, if it is decided that in the allowed 20% of cases where face-to-face advice is permitted, the client will be unable to choose who provides that service for them.

*'Poor people are not simply rich people without money.'*ⁱ Many of those in difficulties have serious social, communication and educational difficulties that will stop or discourage them from accessing phone-based services (indeed many have no access to telephones or rely on costly pay-as-you-go mobile phones). If they have no access to face-to-face local legal advice at their community Law Centre (or other not-for-profit advice agency) then they have no access to legal advice at all. It is a fiction to suggest that these people are able to resolve their complex legal problems without assistance. **The proposed telephone gateway will destroy local community advice services** and will further deny access to justice for thousands of people.

Avoiding litigation?

Of the proposed cuts, £60 million is targeted at social welfare law (debt, housing, welfare benefits, education and employment). Of this, £54 million will be saved from the Legal Help scheme. Legal Help is low level, fixed-fee legal aid paid specifically to assist early resolution of disputes with the aim of avoiding the need for costly litigation.

There is no evidence to back the Minister's assertion that those experiencing civil legal problems are racing to the courts, that they are too litigious. Indeed the reality is the opposite. The 2006-2009 Civil Justice Survey published by the Legal Services Research Centre (LSRC) in 2010 found that there had been a 36% increase in legal need since 2007. Those with the most civil legal problems are black and non-white people, those living in high-density housing, lone parents, those on benefits and victims of crime. More importantly, those eligible for legal aid were more likely to do nothing to resolve their legal problem(s) than the general population even though the problems associated with poverty are more pronounced, more frequent and 50% more likely to result in stress related ill-health and other adverse effects.

i Stephen Wexler, "Practicing Law For Poor People," Yale LJ, 79 (1970), p. 1049.

The cost of not solving legal problems

The social cost of evicting families has been estimated at up to £34,000. The current fixed fee for resolving a housing problem, which pays for up to 9.5 hours of legal work, is just £174. To suggest that these cuts are targeted at expensive legal costs involved in litigation does not stand up to scrutiny.

Spending £168 to help someone who has been unlawfully denied benefits or £200 to stop them spiralling into an un-manageable debt free-fall, saves money.ⁱ It saves money involved in more costly litigation or the broader costs to Government and local authorities of providing accommodation and other financial support when employment, debt, benefits and family problems go unresolved. It also saves money, time and work in unnecessary court proceedings, and reduces the courts' workload. 2009 LSRC research into debt advice found that each unresolved debt matter on average costs the public over £1000. Legal Help for debt advice costs £196.

LSRC has also provided evidence of a strong link between wellbeing, health and mental health and the despair caused by unresolved civil law problems. They also found that stress related ill-health more commonly results from recession related legal problems such as unemployment and debt.ⁱⁱ

Early provision of specialist legal advice and assistance saves money and saves lives

Destroying Families and Ignoring Human Rights

These proposals have scant regard for the most basic of human rights. They will have the effect of denying the most vulnerable in society access to justice or the opportunity to fight for their rights. Law Centres have adopted core UK, European and international human rights law as the cornerstone of their work. This includes the UK's Child Poverty Act, the Equality Act, the Human Rights Act, the EU Charter of Fundamental Rights, the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, UN Convention on the Elimination of all Forms of Discrimination against Women, the UN Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, and International Covenant on Civil and Political Rights. We believe that the proposed reforms will lead to further regression in the realization of human rights in the UK.

They will also contribute to the breakdown of families as they struggle with unemployment, are crippled by debts and unable to claim benefits to which they are entitled, they will descend into despair and may ultimately collapse.

As those families collapse, they will no longer have access to legal aid for disputes relating to the wellbeing of the children or in respect of the fair division of family assets. This will almost certainly disproportionately affect mothers who, unable to work because of childcare, have no money to pay for legal advice (unlike their working husbands).

The Green Paper suggests that immigration is a life choice, forgetting that for many it is a choice between life and death. Although asylum advice will be funded, all other immigration legal advice will be removed from scope (unless the client is in custody) – including advice on applications for family reunion.

i These are the current fixed fees for a welfare benefits case and a debt case, respectively.

ii Cf. Pascoe Pleasance, Nigel J. Balmer and Alexy Buck, "The Health Cost of Civil-Law Problems: Further Evidence of Links Between Civil-Law Problems and Morbidity, and the Consequential Use of Health Services," *Journal of Empirical Legal Studies*, vol. 5, issue 2 (July 2008), pp. 351-373; Legal Services Research Centre, *Outreach Advice for Debt Problems: Research and Evaluation of Outreach Services for Financially Excluded People*,

LSRC Research Paper No. 26 (2009); Legal Services Research Centre, *Civil Law, Social Problems and Mental Health*, LSRC Research Factsheet No. 1 (July 2009).

The denial of immigration advice will, amongst other things, mean that many thousands of children will continue to live in poverty because their parents have the wrong immigration papers or those granted asylum are denied the chance to be reunited with families. It will have a devastating effect on women and children who have been trafficked and who desperately need help.

Law Centre immigration teams have helped many clients who have been involved in forced labour and trafficking. It is common in forced labour cases for women to be brought over on a domestic worker visa and then made to work in conditions of enslavement, without pay. Generally their domestic work visas are allowed to expire by their employer, causing them to become overstayers and therefore more vulnerable to the exploitation of the employer. These people need help and advice on their rights – help that will no longer be available if these cuts are implemented.

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The Impact on the not-for-profit Advice Sector

The Green Paper suggests that these cuts can be justified because people will be able to access advice and assistance through local charities and other not-for-profit organisations. This will not be possible.

Most charitable and not-for-profit advice agencies require paid staff, premises and the entire business infrastructure required by small to medium enterprises. Many do not have the resources to absorb the proposed cuts. For effective use of volunteers, these resources must be available.

If the suggested cuts are implemented many Law Centres, reliant on legal aid income, may have to close – as will many other community based not-for-profit legal advice services (see Attachment 1). There will be nowhere left for the vulnerable to access legal advice services. Not-for-profit agencies provide early intervention advice and assistance that helps the early resolution of problems and stops issues escalating to court proceedings or worse, saving the state many millions of pounds in additional and unnecessary expenditure.

At a time of the proposed Big Society, these cuts will destroy locally based, locally managed, volunteer-reliant not-for-profit advice services – the very building blocks of the Big Society. The Ministry of Justice acknowledges that these cuts will take £60 million of the £78 million legal aid spending invested annually in not-for-profit agencies. In Law Centres alone this will mean that 85,000 people each year would go without help.

What savings can be made?

42% of the problems Law Centres help to solve are caused by administrative or procedural errors made by government departments and local authorities.ⁱ Just last year the National Audit Office found that there had been no reduction in the Department for Work and Pensions' processing errors since 2007.ⁱⁱ Savings can be made by ensuring that Government departments and local authorities get it right in the first place. Alternately, those agencies that cause the problem could be charged for each person that requires legal aid following their mistakes – thereby incentivising the improvement of the systems, rather than only providing remedies for individuals.

Savings to legal aid expenditure can be made through increased efficiency in the public sector and through improvements to the justice system. The Law Centres Federation would welcome the opportunity to work with Government in addressing those issues.

Joined up Government?

The current proposals highlight a lack of integration of government policy. The impact assessments published in the Green Paper lack detail and understanding of the people Law Centres serve. The picture of legal aid painted in the Green Paper is not one we can recognise. The client imagined is not anyone we serve. Rather than saving money the proposals will, given their wider impact, add burden to society and costs to the Ministry of Justice itself, as well as across Government. As the recession continues and with a 'double-dip' predicted, people will need access to advice and assistance more than ever. These proposals undermine the vision for a Big Society. They risk the very basis of our democracy: that the law applies equally to all and that all can defend themselves equally before the law.

Rather than looking to 1949, the Ministry of Justice needs to look at 2011 and beyond.

i Advice UK, Radically Re-thinking Advice Services in Nottingham – Interim Report (November 2009), available at http://www.adviceuk.org.uk/_uploads/documents/1MicrosoftWord-NottinghamSystemsThinkingPilot-InterimReport.pdf.

ii National Audit Office, Minimising the Cost of Administrative Errors in the Benefit System, HC 569, session 2010-2011 (25 November 2010), <http://www.nao.org.uk/files/1011569.pdf>.

Attachment 1

Impact of anticipated cumulative funding cuts on Law Centres based on 2009/10 income

Source	52 Law Centres	Cut
Legal Aid	£9,280,000	over £5,000,000
Local Authority	£6,630,000	30% cut (estimated)
Government (other)	£1,387,000	50% cut (estimated)
Other	£3,941,000	short term funds
Total Funds	£21,238,000	£12,000,000 cut*

*approximate

- Figures calculated using data from 52 Law Centres (does not include 4 Law Centres).
- Legal aid cut estimate based on actual contracts now held.
- Local Authority cut is estimated based on notifications Law Centres have received to date.
- The cuts will not be experienced uniformly. Some Law Centres will lose all funds, others less. All Law Centres will be significantly impacted.

Attachment 2

Law Centre Cases That Would No Longer Be Funded

All names in the following cases have been changed

Education

I had no education for five months

David has an autistic spectrum disorder and has been issued with a statement of special educational needs. He was excluded from school after an outburst, caused by his condition.

Like many autistic children, he finds it difficult to deal with others when he is stressed. In June, David acted out, which was wrong and he was ashamed. He got excluded permanently from the school, despite it being the only school in the area with a specialist unit for children with autism.

David missed out on schooling between June and November as there were no other school facilities for a child with his needs.

After an appeal was refused by the school governors, David's parents sought legal advice from Cumbria Law Centre. A solicitor advised on grounds of appeal and spoke to the family and educational professionals who had worked with David to get a clear picture on the options for his future schooling.

The solicitor then helped David's father put his case to an Independent Appeal Panel. He won, and David is now back at school for the first time in five months.

Without expert legal intervention we strongly suspect that the appeal would have been lost, and David would still be out of school, deprived of the vital specialist support that could be the making or breaking of his young life.

I was severely bullied but they wouldn't let me go to another school

Tariq was severely bullied at school and was refused admission to an alternative school.

Tower Hamlets Law Centre drafted submissions to the Independent Appeal Panel setting out his case. Tariq was suffering from psychosomatic pains and general distress. The Independent Appeal Panel allowed the appeal and he was admitted to the alternative school of his choice.

Tariq is now continuing his education, free from the severe stress of bullying.

Welfare Benefits

I was told I was fit to work despite only having one lung

Robert came to see Camden Community Law Centre after he attended a medical examination and the Department for Work and Pensions found him capable of work. Robert had most of one of his lungs removed several years ago. He found it difficult to walk even a few steps without becoming severely breathless.

The Law Centre assisted him to appeal to the First-tier Tribunal against the Incapacity Benefit decision and also advised him to claim Disability Living Allowance. Robert's Incapacity Benefit tribunal was successful and he was awarded arrears. However, in the meantime his Disability Living Allowance application was refused. The Law Centre assisted him to appeal against that decision and the second tribunal held that he was entitled to the high rate of the care and mobility components for an indefinite period.

Robert would have been unable to represent himself before the First-tier Tribunal. Representation at the Tribunal involves much more than turning up and presenting the case. In this instance, the Law Centre assisted Robert to draft two witness statements and also to prepare submissions to the Tribunal. The submissions involved applying the law to Robert's case and researching relevant case law to assist him. Robert was very breathless, even on sitting. In addition, he had difficulty understanding the proceedings and what was required to make his case successful.

I fled my abusive husband and faced destitution

Amma was referred to Gloucester Law Centre by a local advice agency for advice and assistance with regard to her benefit claims. Amma, a Ghanaian national, had entered the UK lawfully as a family member of an EU national living and working in the UK.

After being in the UK for some time Amma was subjected to serious domestic violence by her husband and had to flee the family home. She was assisted by a local domestic violence support group who were able to provide accommodation as she was in a very vulnerable and fragile state.

However Amma had no income and the Law Centre advised her that although she was no longer living with her partner, following the violence she retained entitlement to benefit derived through his status as an EU worker and should claim Job Seeker's Allowance and Housing Benefit.

The law in this area is complex and the Department for Work and Pensions (DWP) were very reluctant to deal with the claim, asking for all sorts of further information and indicating that they did not accept what the Law Centre was arguing. At the same time Amma's Housing Benefit was incorrectly refused on the basis that she did not have the right to reside.

After a great deal of persistence over a number of months the Law Centre was able to convince the DWP that the Centre's legal arguments were correct and Amma, who had been fed in the meantime by a local church, was awarded backdated Job Seeker's Allowance and Housing Benefits.

Without the Law Centre's intervention Amma would eventually have been evicted from her accommodation, with all the expense and drain on public resources which that involves.

Employment

I was fired for making a minor mistake

Simon was fired from a large retail chain for making a minor mistake, despite having worked there for eight years.

He had made a mistake on the till one day, which had cost the store a very small amount of money. His employer treated this as an issue of gross misconduct and, following an investigation and a disciplinary meeting, dismissed him without notice.

Simon felt he had been treated unfairly and went to Tower Hamlets Law Centre hoping for help to get his job back. The Law Centre advised him of his right to claim unfair dismissal and wrongful dismissal and agreed to represent him.

As a result, he was reinstated in his job and compensated for lost earnings. Simon is now back at work and getting on with his life.

I was sacked after my supervisor let me visit my dying mother

Rashida is Tunisian. She had worked for her employer as a cleaner for six years. Her supervisor gave her permission to take one month's leave to visit her dying mother in Tunisia. However the supervisor failed to notify her manager of this agreement and the manager sent Rashida a letter terminating her employment because he thought she had gone AWOL.

Rashida was very upset and confused to receive a letter dismissing her and came to Gloucester Law Centre for help. She had no income and had used up all her savings and was desperately worried about how she would manage.

The Law Centre wrote to the employer pointing out their error, explaining why Rashida had a very strong claim for unfair dismissal and inviting them to resolve matters quickly and amicably without the need for Employment Tribunal proceedings.

As a result the company acknowledged their mistake and Rashida was re-instated in her job with no loss of pay in the interim period. Rashida would never have been able to resolve this matter and achieve this outcome without the Law Centre's help.

She would have been at risk of going into debt and losing her accommodation or having to rely on state benefits to cover her costs. The intervention of the Law Centre meant that the matter was resolved quickly and cheaply and that Rashida was able to continue working.

Immigration

My mother didn't speak out about abuse because she feared deportation

Rupa, the eldest daughter of a Bengali family, approached Rochdale Law Centre because her step-father was abusing her siblings and her mother—locking them in the house, abusing them sexually, beating them, and depriving them of food.

Rupa's mother was afraid to approach the authorities, as she did not know what her immigration status was, and she dreaded being deported and separated from her children.

Rochdale Law Centre has a specialised service for female refugees and immigrants which assisted the family in filing police reports and obtaining the support of social services. The Centre also regularized the mother's immigration status so that she would not have to return to Bangladesh, and could remain in the UK to care for her children.

Rupa's mother is now taking English and job-training classes, and Rupa and her siblings are receiving counselling and doing well in school.

They didn't believe I was my mother's son

Hammersmith and Fulham Law Centre brought the first ever immigration case using genetic fingerprinting developed by Sir Alec Jeffreys at Leicester University. Andrew, a young boy born in London but returned to Ghana at the age of four after his parents divorced, was refused re-entry to the UK on the grounds that he was not a British citizen.

The Law Centre used the executive power of the local MP to prevent the child's removal and set about trying to prove he was his mother's son. Eventually, the DNA evidence won the day and Andrew was allowed to stay. Dr Jeffreys later told the Law Centre that for the next two years people turned up at his house and office, besieging him with requests for DNA testing.

Housing

Encouraging unlawful evictions

“We have frequently been approached by private tenants who have just that day been unlawfully evicted by a landlord who has simply changed the locks without due process of law. Using Legal Help funding we have often been able to contact the landlord and threaten legal action unless the tenants are readmitted forthwith, and have often been able to resolve the problem in this way very cost-effectively and without recourse to the courts. Without specialist intervention by solicitors who can back up threats of action with the issue of proceedings the landlord's actions would almost certainly not be effectively challenged, and the tenants may then require help and assistance from various public authorities, e.g. housing, social services, health etc at very significant cost to the public purse.

Such actions are not purely actions for damages but are about protecting tenants and restoring their rights to their tenancies. If any damages are awarded they tend to be low and are often a redress for damaged or missing belongings. They are a deterrent against landlords behaving badly and unlawfully. Such cases are not suitable for CFAs as there is no insurance available.

The removal of legal aid for such actions may encourage unlawful evictions.”

Debt

I finally got the credit company to see sense

Alex had a credit card debt which he ran up beyond control with the aid of an ex-girlfriend to whom he lent it for use. The debt of £7,260 was sold on to a credit company that sued him and obtained a judgment and also a charging order over a flat that Alex owns. Alex sent them an e-mail offering to pay by installments, but this went unanswered. The Law Centre wrote up a financial statement which indicated that Alex could afford repaying £67 per month, which Alex accepted. However, the credit company applied for an order to sell his flat to clear the debt and execute the charging order.

The Law Centre found that the property was heavily in negative equity, pointing out that on sale the debt would simply increase, but the creditors pressed on with the order for sale regardless. The Judge accepted the Law Centre's argument, refused the order for sale and substituted it with an order for repayment of the debt at £67 per month. This meant that as long as Alex kept up repayments, at the sum that he could manage, the application could not be restored.

Young People

I had a learning disability and was facing homelessness

Ben was 17 and living independently, having been thrown out of his mother's home following repeated arguments about his girlfriend. He had a learning disability and attended a special school. Having had no experience of managing money, he fell into arrears with his service charge and was threatened with eviction. Streetwise Law Centre supported him to apply for Disability Living Allowance. He was initially refused, and then won on review.

Ben didn't really understand that he had a learning disability, and would not have been able to explain his needs at review or appeal. Nor did he have anyone able to support him; the staff at his accommodation had no knowledge of DLA. The backdated benefit cleared his arrears and the Law Centre helped him set up a standing order to pay his rent when the DLA came into his bank account.

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