

# Networking...

The national voice of Law Centres

## Day 1 - 18 February 2008

"Hi Julie. Glad you're here. Bad news first. At least three Law Centres are in serious trouble..." So began my first day at the Law Centres Federation.

Immediately followed a series of meetings, discussions, lobbying activities, running across London, up and down escalators and recharging the Oyster Card. Little time for induction, creating files, learning the acronyms or even getting a card printed, a mobile phone, eating lunch. What happened to the 35 hour week I was told about?

Legal Services Commission was followed by the House of Lords, by the Ministry of Justice, by the Law Society, by the Equality and Human Rights Commission, by the Access to Justice Committee, by the Advice Services Alliance, by LCF Executive Committee meetings, by the LCF General Meeting in Manchester and there must be more.

What about the plan that I visit each Law Centre in the first weeks?

Nevertheless, each meeting has resulted in invitations to talk further, offers of assistance, evidence of goodwill and the door remaining open to Law Centres.



LCF Director, Julie Bishop

At each meeting we have focused on the ongoing work of Law Centres as quality providers of specialist legal services to disadvantaged and marginalised people. We have discussed the impact of the changes to the legal aid system on Law Centres within this context. We have stressed that Law Centres should be supported to survive the transition period.

In the coming months we will continue to work for a sustainable future for Law Centres - a future that doesn't rely solely on meeting externally set casework targets. The staff at LCF is committed to providing ongoing support and services to Law Centres and to work with Law Centres through this transition period.

I still plan to visit each Law Centre in the coming months and look forward to learning more about the work of Law Centres (other than as recipients of LSC contracts). In the meantime, please call on 020 7428 4402.

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## Legal Services News

### Impact of Fixed Fees

The LCF staff contacted each Law Centre between 22 February and 6 March 2008 to discuss the impact of the unified contract on their centre. Following is a summary of those discussions:

No of Law Centres contacted: 54  
 No of Law Centres that have provided complete information: 41  
 No of Centres doing well under new system: 1  
 No of Centres meeting targets: 9  
*(3 of these centres had solicitor contracts previously)*  
 No of Centres below targets but within buffer: 11  
 No of Centres over Buffer: 20  
 No of Centres over Buffer in London: 7  
 No of Centres over Buffer outside London: 13  
 No of Centres that have made repayments: 14  
 No of Centres that believe they are at high risk of closure: 8

On 10 March a General Meeting was held in Manchester where these findings were discussed. Law Centres at the meeting also reported on their own situation. Some of the main issues identified were:

- \* The availability of reserves and other sources of funding
- \* Additional administrative burden created by the new system and many without IT systems to assist
- \* The ability to close cases quickly
- \* The changes are not 'cost neutral' as promised.
- \* For most Law Centres, over 50% of their funding was from the LSC

It was decided that when discussing progress with the LSC Law Centres should:

1. *Always ask for a meeting with the LSC Accounts Manager*
2. *Be well-prepared with detailed spreadsheets*
3. *Clearly identify work in progress*
4. *Show that the Law Centre is viable in the long-term*
5. *Indicate the number of areas of law covered and discuss plans to take on any new areas*
6. *Ask for assistance from the LCF.*

### LCF Meeting with Lord Hunt

On 11 March LCF met with Lord Hunt, Minister for Legal Aid, Ministry of Justice. The issue of the short-term and long-term future for Law Centres was discussed. The summary of LCF's discussions with Law Centres (opposite) was given to Lord Hunt. LCF stressed that any Law Centre that had been viable under payments for hours should continue to be viable under the new scheme. However, as the figures indicate, many Law Centres are struggling financially with the impact of the fixed fees. LCF stated that Law Centres need more time to make the transition and that debt forgiveness was preferable to an extension of time to repay any debt that may accrue.

Lord Hunt said that he wanted vibrant Law Centres as part of the legal aid scheme, but believed they should be efficient and well run. He spoke of his support for public legal education and that he recognised that Law Centres had expertise in this area. He stressed that he could not make any specific commitments at the meeting but that he understood the adverse affect of the contractual regime. His immediate concern was with the transitional arrangements. He wanted to be sure that the mechanisms were right. Lord Hunt undertook to meet again to discuss the long term plans for Law Centres.



Andrew Holroyd OBE, President, Law Society. One of the speakers at LCF Annual Conference, 'Immigration: Law Centres Protecting Fundamental Rights' on 23rd November 2007

## Law Society Support for Law Centres

*"Law Society Council expresses its grave concern at the reports of funding difficulties for Law Centres following the changes in legal aid funding and local authority funding. Such difficulties have led to the issue of redundancy notices in some cases, and in extreme cases even possible closure, thus threatening the valuable service offered to vulnerable people in their locality.*

*Council notes and approves the support that has been offered by the Chief Executive and the Head of the Legal Aid team to the Law Centres Federation and its member Law Centres and Council Members pledge their support to do whatever they can to support local Law Centres in their constituencies."*

This motion was passed at the Law Society Council Meeting on 19 March. Law Centres should approach their local Law Society directly to request assistance where appropriate.

Previously, LCF met with the new Chief Executive of the Law Society, Des Hudson and Richard Miller, the director of legal aid services on 13 March. It was a helpful and friendly meeting, where the Law Society offered assistance to Law Centres to survive the transition period to fixed fees. One proposal is to carry out a study on the impact of the new contracting system on a sample group of Law Centres with specific regard to the financial impact. The LCF welcome the opportunity to work more closely with the Law Society.

## Best Value Tendering

The Legal Services Commission put out a consultation on best value tendering for criminal defence services last December. The Law Society spoke out against the proposals in March saying that in their view *'this is not an appropriate method for procuring criminal defence services, or any other form of legal aid provision.'* Legal aid, they say, is not a classical market of many buyers and sellers. *'There is one monopsonist purchaser, the LSC which prevents true market mechanisms from opening.'*

The Law Society response covers the main arguments put forward by the LSC for best value tendering. They argue that the change is unlikely to produce any tangible benefits. One of the problems is quantifying volume: best value tendering in the context of legal aid services is far more complex than say the provision of school meals, as the variables are far more difficult to quantify. The Law Society also cover the problems of comparing and evaluating bids saying that the LSC will have to develop a highly complex matrix for comparing and evaluating bids if the process is to be fair and transparent. The LSC's commitment to quality is also questioned. The proposed requirement to achieve a peer review rating of threshold competence (level 3) provides no incentive to achieve a higher rating. The response is accompanied by an independent report prepared by LECG - Law and Economics Consulting Group.

## Transitional Arrangements

It has been a difficult time for most Law Centres in the last couple of months. The impact of the move to the unified contract has been well illustrated by South West London Law Centre who issued a press release last month on how the changes may result in their closure. Wide ranging press coverage has followed and copies of recent articles can be found on the LCF website under 'Publications' and then under 'Articles' on the right hand side.

Problems with the transition are continuing for many. The LSC has confirmed that the correct pro is that which was described in the 'Not for Profit Unified Contract Transition Process' issued on the 13th August 2007. Confirmation was received by Adam Griffith at ASA on 26th March.

In particular, reference is made to section 2.5.29 which says, 'The credit buffer will be reconciled down to a maximum of 2 months average claims by 31st March 2009.'

Section 2.5.32 says, 'It will be in the interest of agencies to improve their performance gradually over time' and section 2.5.33 which says, 'SMPs (Standard Monthly Payments) can only be adjusted where the Accounts Manager projects that the maximum buffer is likely to be breached, on the basis of the agency's performance to date.' We understand that Account Managers have been reminded of the process. We hope this will help.

## Survey on Access to Legal Advice

Legal Action Group has put a survey on their website for members of the public on their experiences of accessing the legal aid system. Please direct any clients you know to the site. There is also a link on the home page of the LCF website.

## Specialist Support Services

The Public Law Project wins LSC contract for Public Law.

The Public Law Project (PLP) has been awarded the new contract to provide Specialist Support advice on Public Law by the Legal Services Commission (LSC). PLP was previously funded by the LSC to supply specialist Public Law advice and training alongside other providers. Under the new contract PLP will be the sole provider in the area of Public Law.

Under the new contract, PLP will continue to offer free specialist advice to all advisers and

lawyers working within the Community Legal Service (CLS) on any public law matter, including:

- \* Social security law - e.g. delays, fairness in adjudication and appeal processes, Discretionary Housing Payments, maladministration.
- \* Community care and health - withdrawal or reduction in services, closure of day centres, individual entitlements.
- \* Education - school reorganisations, admissions & exclusions.
- \* Discrimination in the provision of public services.
- \* Public Funding - access to legal aid. PLP will provide advice on:
  - \* The substantive law.
  - \* Judicial review grounds.
  - \* Procedure or tactics, including complaints procedures and the Ombudsmen.
  - \* Making applications for public funding.
  - \* Any other relevant issue.

New extended advice line opening times:  
Mondays - Fridays: 10pm to 4pm

For lawyers or advisers working in an organisation that provides advice as part of the CLS, the phone number is 0808 808 4546. For more information contact:

Hannah Jones, The Public Law Project on (020) 7697 2196 / h.jones@publiclawproject.org.uk

## Causes of Action

The Legal Services Research Centre has published the latest results of the English and Welsh Civil and Social Justice Survey. The current report describes the main findings from the 2006 interviews. The survey is now conducted continuously and the results will be published annually.

The findings are similar to those reported in Causes of Action, but there are some significant differences, and some important changes of emphasis.

- \* 36% of respondents reported have experienced a justiciable problem that was difficult to resolve. This was a rise from 33% reported in 2004.
- \* There was an increase in the reported incidence of consumer, neighbour and welfare benefit related problems.
- \* Respondents took no action to resolve 9.8% of problems.
- \* Nearly half of respondents managed to obtain advice, a slight decrease from 2004.
- \* Use of the internet for advice seeking has increased from 4% in 2001 to 11% in 2004 to 15% in 2006.
- \* The survey introduces a new distinction as to the type of help sought, distinguishing between "general support and advice" and "advice of a specific legal nature". The help sought varied depending on problem type. For example neighbour problems were associated with general support, whereas divorce problems were associated with specific legal advice.

### Limitations

For the first time the report recognises the limitations of the survey sample frame. As it draws on a sample of residential addresses it excludes a number of people, calculated as 2% of the population. These include elderly people in residential care, students living in education establishments, prisoners, military personnel, people living in local authority provided temporary accommodation, gypsies and travellers, and a number of "hidden" members of the population. Some people fall within the

sample frame but choose not to participate in the survey. Other populations, by virtue of their size relative to the population as a whole, are difficult to study through the survey. This includes members of ethnic minority communities.

### Legal aid clients

For the first time also the report distinguishes between those respondents who are and are not likely to be eligible for legal aid (based on a benefits and income related proxy test). This showed that:

- \* The patterns and clusters of problems experienced by eligible respondents are broadly similar to those of the general population, although problems associated with poverty were more pronounced.
- \* Eligible respondents were more likely to report multiple problems, more likely to do nothing to resolve their problems, but also more likely to seek advice, and more likely to go to see advisers face-to-face.
- " This is consistent with the hypothesis that those eligible for legal aid are likely to face more severe problems and be in need of face-to-face advice.

*Our thanks to ASA for this précis on their website.*

### Changes at the Ministry

The Ministry of Justice changed its structure on 1st April. The key change is bringing together the prison service and the probation service under the National Offender Management Service (NOMS). The re-structuring has caused some concern with the civil rights group, Justice, worried about the declining importance of legal aid in the re-organisation of the MoJ. Justice Director, Roger Smith said, *'Legal aid is now contained within one directorate embracing courts, tribunals and regulation of the legal profession. There is a real danger that the misguided inclusion of prisons and probation*

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*within the Ministry's remit is swamping a concern with access to justice.'*

In November, the Prime Minister announced the appointment of Sir Suma Chakrabarti KCB as the Permanent Secretary of the Ministry of Justice. Two further appointments to the Legal Services Commission have been recently announced. These are Professor Carolyn Hamilton, an expert in family justice and Peter Smith who has worked in procurement for 25 years.

### **Junior Lawyers Division**

The Law Society has launched a new representative body, the Junior Lawyers Division and is intended to be 'the voice of junior lawyers across the country and in every type of practice'. There is free membership. It is open to all law students, trainees and solicitors with up to 5 years experience. It replaces the national Trainee Solicitors' and National Young Solicitors' groups.

## Law Centre News

### **Education Legal Advice Service**

The East London ELAS is reported on by Tower Hamlets Law Centre in their recent annual report. The Service takes referrals from six boroughs in East London (Tower Hamlets, Hackney, Waltham Forest, Newham, Barking and Dagenham and Redbridge) and undertakes casework covering exclusions, admissions and admission appeals, special educational needs, disability discrimination, further and higher education, bullying, complaints against schools and Local Education Authorities. The Service also represents clients at hearing and tribunals and provides second tier advice to voluntary and statutory organisations.

'The main strengths lie in special educational needs (SEN) and exclusion cases, including "children out of school" cases. Our success rate

with SEN cases that develop into an appeal case to the special educational needs and disability tribunal (SENDIST) is about 90%. In terms of the success rates in exclusion cases, i.e. getting the exclusion overturned and the child reinstated, does vary and is dependent on the facts of the case. We have however in many cases successfully represented the excluded child and highlighted that often unidentified SEN (including behavioural and emotional difficulties) were the trigger to the incident that led to the exclusion. We then take the necessary steps to secure more support and specific provision for the child so future incidents can be avoided. Referrals also include children that have been out of school for up to 2 years, due to various reasons, including:

- \* being involved in criminal activity and getting arrested
- \* moving to a different area and where no school place was available at a school near by
- \* severe bullying where the child refuses to go back to the school and the local authority is not providing alternative educational provision
- \* where the needs of the child are not being met at school and the parents then withdraw the child and the local authority is not providing alternatives.

*'For all of the above out of school cases, we do try to get these children back into mainstream education as soon as possible and these cases are treated as a priority.*

*'Several cases are about autism including social communications difficulties or other speech and language difficulties. Due to a severe shortage of therapists available to work in schools, local authorities have adopted an unwritten policy not to quantify and specify speech and language in the statement of SEN and keep provision very vague. Therefore, the most severe children who are often unable to verbally communicate but have the ability to develop language skills are only offered "access to a language programme"*

*delivered by an unqualified person, e.g. a learning support assistant. These cases can only be challenged at SENDIST and we have been successful in several cases, for example by getting the local authority to offer in the statement of SEN, direct weekly hourly speech and language therapy delivered by a qualified speech and language therapist.'*

### **Human Rights Society**

In Carlisle's annual report, they write about piloting a new Cumbria Human Rights Society. The Law Centre argues that human rights thinking needs to be moved out of academia and into the workplace and public sphere. They are running forums having seen first hand the practical effects of social inequality. *'We recognise that human rights need to progress beyond the office manual and tick boxes on forms. CHRS will aim to re-introduce human rights and build basic legal empowerment. We want to challenge the view that human rights legislation is just a maze of complex and obscure rules. CHRS will get people talking in forums to ignite participation across Carlisle and Cumbria. We will speak up against the institutions that seek to impose oppressive policies. We will advocate change and press for accountability. Ultimately, we want to take the armchair out of activism.'*

### **Rochdale Law Centre**

Rochdale Law Centre has received a £119,800 grant from Comic Relief for a three year project to give legal representation and support to female asylum seekers who have experienced torture and/or sexual violence. The funding will pay for a part-time asylum caseworker/solicitor and a part-time support worker. The grant does not cover for the costs of interpreters. The local Primary Care Trust has agreed to pay us £10,000 towards these costs.

In September 2007 our Law Centre received a grant of £26,500 from the Neighbourhood

Learning in Deprived Communities Fund (NLDCF). This was to hold a course from October 2007 to end of July 2008 to train local unemployed people up to the probationary level as immigration advisors. There was a great interest in this course - including from people already in employment and from people living outside the Borough of Rochdale. Due to the funding criteria we could not accept these people on the course.

The course has two 2-hours class room training per week in a room with PCs. All students have a password to the Electronic Immigration Network (EIN), which they can use at home. The participants also have four hours of more practical training per week - in small groups either at our Law Centre or going with our immigration solicitors to courts, etc.

*'Our experience with doing this course has been positive and we would like to run the course again. We were invited to speak at a regional conference about this course because the funder finds the course interesting.'*

*Our thanks to Finn Jenson for sending us this news from Rochdale.*

### **Gateshead Law Centre**

Sadly we heard that Gateshead Law Centre closed on 7th March. The Law Centre was part of the first Community Legal Advice Centre set up by the LSC last May. The LCF has been helping to ensure that clients are provided with alternative sources of advice.

### **Student Law Clinic**

Trainee solicitor at Carlisle Law Centre writes about her work coordinating a steering committee to develop and raise funds for the Law Centre Student Law Clinic. They had a stall at the Freshers' Fair and have attracted 10 student volunteers. They have also applied to the University of Cumbria Students Union to

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have the Student Law Clinic steering committee recognised as a formal student society. Their aim is to open the door to the public one afternoon a week to carry out client interviews under the supervision of solicitors and specialist advisors. Initially they will focus on employment enquiries.

They hope that by harnessing the energy of students through the Clinic, they can:

- \* raise awareness of social welfare issues
- \* encourage graduates to practice as social welfare lawyers in the future
- \* identify social policy issues so that we can take a pro-active approach to preventing disputes from arising in the future.

As in many initiatives in Law Centres, they finally add, *'We've made a start. By doing it, we'll be making the case. What we need now is the money to make it fly'*.

### Queen's Anniversary Prize for University of Kent Law Clinic

The University of Kent has been awarded a prestigious Queen's Anniversary Prize for Higher and Further Education for the work of the Kent Law Clinic. The official announcement took place at St James's Palace on Thursday 15th November 2007. The presentations by the Queen took place at Buckingham Palace in February 2008. The Queen's Anniversary Prizes are awarded, within the honours system, for exceptional contributions by institutions in the higher and further education sectors to the wider community.

The Kent Law Clinic was honoured for 'enriching the academic study of law through a casework service to the community'. The Clinic delivers a first-class legal education to law undergraduates through the provision of a free legal advice and representation service to the community in both Canterbury and Medway.

Individual students, supervised by legally qualified academic staff, take personal responsibility for clients' cases at all stages from the initial interviews through to advocacy. This year has seen the cumulative total awarded to Clinic clients by litigation or negotiation exceed £1 million as a direct result of students' work.

**John Fitzpatrick**, Director of the Kent Law Clinic and Chair of the Law Centres Federation, said: *'We are very honoured to receive such a prestigious award. The Prize acknowledges a real team effort by all the staff and students in the Clinic and all the solicitors and barristers locally who give their services. It reflects not only their achievements, but also the breadth and depth of our activities, and it maintains a proud tradition in the Kent Law School.'*

#### New Committee

The following people were elected to the new LCF Executive Committee for 2007/08 on 23rd November

<b>Chair</b>	John Fitzpatrick, Management Committee, Hammersmith and Fulham Law Centre
<b>Vice Chair</b>	Michael Ashe Management Committee, Southwark Law Centre
<b>Vice Chair</b>	Reita Clarke MBE Management Committee, Luton Law Centre
<b>Treasurer</b>	Sean Canning Staff, North Kensington Law Centre
<b>Secretary</b>	Maureen Vincent Staff, Brent Community Law Centre

#### Management Committee

Richard Palmer	Southwark Law Centre
Cameron Philpot	Chesterfield Law Centre
Nick Woolf	Saltley & Nechells Law Centre

#### Staff

Keith Bennett	Cambridgeshire Law Centres
Ruth Hayes	Islington Law Centre
Laura Melbourne	Surrey Law Centre
Teresa Waldron	Chesterfield Law Centre
Nick Whittingham	Kirklees Law Centre

*There remains to two vacancies for members of Law Centre management committees.*



John Fitzpatrick, LCF chair addressing the LCF conference last November. With him is James Welch, Legal Director, Liberty (to the left), Paul Newell, Head of LSC Civil Policy Development (right) and Lord Bach, Ministry of Justice Whip (far right)

## Disability News

### **RAD Legal Service**

There is a new Legal Service provided by the Royal Association for Deaf People (RAD). *'We are piloting an advice service for D/deaf and Hard of Hearing people who live in the UK, and seek advice about their Welfare Benefits. This service is done through email, so there is no need for appointments with our caseworkers. To use this service the clients only need to meet one criteria - they must be eligible for Legal Aid.'*

They ask if you could pass this information on to your D/deaf and Hard of Hearing clients that may be interested in receiving this service it would be much appreciated. Clients wishing to use this service will need to complete an online referral form which can be found on our website (anybody can refer them if the clients are happy with this). The link for this referral form is at the bottom of this email. Once the referral form is completed it will then be processed RAD Legal Services and the advice can be given.

If you have any questions regarding this service please feel free to contact Paul Lennon at RAD Legal Services.

Tel: 020 7613 3841 | Text: 020 7613 3967 | Fax: 070 9289 9099 | Mobile: 07912 630 786 | Email: paul.lennon@royaldeaf.org.uk

[www.radlegalservices.org.uk/email-advice/](http://www.radlegalservices.org.uk/email-advice/)

### **Establishing Disability: Is it 'likely to recur'?**

The Court of Appeal has resolved a series of inconsistent EAT decisions on whether somebody qualifies as disabled, when their symptoms have ceased but are 'likely to recur'. The controversial question has been, 'can a tribunal take subsequent events into account?' The answer, it now seems, is 'no'.

In *Richmond Adult Community College v McDougall*, the Claimant had a job offer withdrawn when medical evidence demonstrated she suffered from a persistent delusional disorder. In fact, whilst the condition was lifelong, she had not suffered an episode for three years. Sadly, she subsequently suffered a relapse shortly after the job offer was withdrawn and she was committed under the Mental Health Act.

The EAT held that the tribunal ought to have considered this relapse when deciding whether her symptoms were 'likely to recur'. There were previous inconsistent decisions on the point. The EAT essentially thought that it was unattractive to ask a tribunal to ignore the reality of what had actually happened.

The Court of Appeal has now held that this approach is impermissible. The likelihood of recurrence must be judged at the date of the act of discrimination, and subsequent events cannot be taken into account. As Rimer LJ states (para. 33), "In short, the statute requires a prophecy to be made."

### **High Court finds that Council acted unlawfully and ignored rights of disabled people**

In a key case about disability rights and the provision of care services for 100s of people, a judge found a local council had acted unlawfully when introducing its new policy because it had breached its duties under the Disability Discrimination Act.

The case, brought by the Public Law Project (PLP) on behalf of three service-users in Harrow, was a challenge to Harrow Council's

decision in July this year to restrict the care services it currently provides to people with critical needs only, withdrawing care from those who had substantial needs. The latter category includes those whose independence is at substantial risk if their needs are not addressed, including those who have only partial choice and control over their immediate environment, an inability to carry out the majority of personal care or domestic routines or an inability to maintain the majority of social support systems and relationships.

On 20th December 2007, in the High Court, Judge David Mackie QC held that the decision to introduce the new policy was unlawful as the Council had failed to meet its duties under the Disability Discrimination Act. He described how the Council had failed to have due regard to the need to eliminate discrimination against disabled people and to promote equality of opportunity: 'there is no evidence that this legal duty and its implications were drawn to the attention of decision-takers'. The Council will now have to reconsider the issue ensuring that they meet this fundamental duty and protect the rights of disabled people when deciding whether to go ahead with the new policy or not.

For further information, please contact Conrad Haley or Ravi Low-Beer at the Public Law Project: (020) 7697 2190 or [c.haley@publiclawproject.org.uk](mailto:c.haley@publiclawproject.org.uk), [r.lowbeer@publiclawproject.org.uk](mailto:r.lowbeer@publiclawproject.org.uk).

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## Education News

### **Independent Appeal Panels' consideration of whether or not to order reinstatement when not upholding a permanent exclusion.**

The Court of Appeal held on 18th September 2007 (D v Independent Education Appeal Panel of Bromley London Borough and Another, Case No CI/2007/1011) that the Panel needed to have evidence from the school as to why reinstatement should not be directed. The Regulations state the Panel may decide that, because of exceptional circumstances or for other reasons, it is not practical to give a

direction requiring reinstatement.

The Court of Appeal said that the school needed to be invited to advance reasons for objecting to reinstatement and that those reasons should usually be different from those advanced in support of the decision to permanently exclude. If the reasons are the same as those advanced in support of the decision to exclude, and that decision is overturned, then they are unlikely to be persuasive when opposing reinstatement. This need not entail two separate hearings or two separate stages of a single hearing. The parties can be invited within a single hearing to make submissions as to reinstatement on the contingent basis that the exclusion is not upheld. Alternatively they can be invited to do so once the first decision has been announced. It is contrary to natural justice for the parents to be unaware of the arguments put by the school against reinstatement and so be unable to address them.

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## Employment News

### **Employment Bill**

The Employment Bill has just had its third day in committee in the House of Lords. It will remove fixed periods for conciliation, enabling Acas to conciliate at any time until a tribunal reaches its verdict. The Bill will also see new penalties introduced for all businesses not paying workers the minimum wage, increase the powers of employment agency inspectors, and increase penalties for agencies which illegally exploit workers.

The Department for Business Enterprise and Regulatory Reform (BERR) envisaged a greater role for Acas. Their aim is to increase productivity through improved workplace relations. This includes reducing the cost of resolving disputes which will involve 'less formal processes that both the employers and employees can trust, and which will cut red tape and deliver quicker decisions on simple claims.' Funds amounting to £37m are to be invested in Acas to enable them to pilot programmes of conciliation in the early stages of disputes. It will also include an expanded and enhanced helpline and advice service.

## Fast Track

In March, the government announced in Hansard that it proposes to develop a fast track system for employment tribunals to deal with simple monetary claims, such as unlawful deductions from wages claims, breach of contract claims, redundancy pay claims, holiday pay claims and minimum wage claims. It is likely that Employment Judges (previously known as Employment Tribunal Chairs) will sit alone to determine such claims, without the assistance of wing members.

## ADR in Tribunals

The Administrative Justice and Tribunals Council has published the results of survey on the use of dispute resolution in tribunals. Respondents emphasised the need for ADR providers to be appropriately trained and accredited, that recourse to a hearing before the tribunal should not be precluded where ADR has been used and the independent of the tribunal and transparency of ADR processes should be assured. A majority believed that ADR was not suitable for the kinds of matters heard within their jurisdictions. More specifically, respondents believed that there is a lack of applicability of such techniques in cases where there is little room for negotiation in the outcomes of an appeal (such as Social Security and Child Support Appeals Tribunals where it was not considered suitable as there could be no 'settlement' or 'agreement' as a means of resolving the dispute and Mental Health Review Tribunals where ADR was not thought suitable as hearings involved "fundamental questions of liberty, health, safety and public protection. The Immigration Services Tribunal cited legislative constraints as an impediment to the introduction of ADR).

The survey found that the use of ADR such as mediation and arbitration tended to be used more in those jurisdictions that deal direct with party and party disputes as opposed to disputes between the citizen and the state.

## Equal Pay

John Healey, local government minister has promised more support for councils implementing equal pay. In September 2007, the government allocated £500m of equal pay

capitalisation directions to 46 authorities, *'giving them financial flexibility to make one-off back-payments to about a hundred thousand employees - mostly women.'* There is to be a further round in 2009-09. John Healey said that guidance is to be published in September that will make clear that the funds cannot be used to fund direct payments to solicitors, including no-win no-fee solicitors.

Communities and Local Government has been working with the Department for Children, Schools and Families on advice for local authorities on the position of funding back-pay for school support staff.

## Coleman v Attridge Law: Advocate - General Opinion

The Advocate General has handed down his opinion in the important case of Coleman v Attridge Law & Steve Law.

In 2006, South London Employment Tribunal referred to the ECJ the question as to whether the EC Equal Treatment Framework Directive protects not only disabled employees from direct discrimination and/or harassment, but also those employees who are associated with the disabled, such as carers.

The Advocate General (whose opinion is usually followed by the ECJ) has stated that direct discrimination and/or harassment by association is prohibited by the Directive. He said that the Directive makes it impermissible for an employer to rely on religion/age/disability etc to treat employees less well than others, as to do so would amount to subjecting these individuals to unjust treatment and failing to respect their dignity and autonomy. This fact does not change when the employee who is the object of discrimination is not disabled herself. The Directive protects against discrimination "on the grounds of" disability, and the "ground" which serves as the basis of the discrimination the employee suffers continues to be disability.

Although the reference to the ECJ was limited to persons who are disabled, the Advocate General indicated that the same principle will apply to any of the prohibited grounds listed in Article 1 of the Directive (namely religion or belief, disability, age or sexual orientation). This means that the

Directive would, for example, protect a person from discrimination because he or she is married to a person belonging to a particular religious group.

On the face of it, the Disability Discrimination Act 1995 does not prohibit discrimination by association - so, if the ECJ agrees with the Advocate General, the next hurdle for Miss Coleman will be to see if the UK courts are prepared to interpret UK law by, for example, implying additional wording into the DDA to achieve the purpose of the Directive. The same will apply to equivalent claims under the Age Regulations, for example. In the end, the Government may need to change the relevant legislation if necessary to bring it in line with the Directive.

## Advice for Employers

BERR (Department for Business, Enterprise and Regulatory Reform) is encouraging small businesses to contact Business Link for free practical advice and guidance on the full range of employment issues. Employers contacting Law Centres can be referred to [businesslink.gov.uk](http://businesslink.gov.uk) or they can call a help line on 0845 609 9006.

## Law on contractual terms of employment during Additional Maternity Leave

Following changes being made to the Sex Discrimination Act and, later this year, to the Maternity and Parental Leave Regulations, the law on contractual terms of employment during Additional Maternity Leave is due to change in respect of women whose babies are due on or after 5th October 2008. Please note that this is a change to the date (6th April 2008) given in the February edition of the Employer Bulletin and in other HM Revenue & Customs (HMRC) publications.

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## Environmental News

### Using the law to protect and improve your environment

You may have concerns about the air pollution caused by a factory, the noise from commercial

premises, damage to wildlife habitats or the potential loss of green space to development. If you are worried about an environmental problem affecting your local community the Environmental Law Foundation (ELF) may be able to assist.

ELF is a charity founded in 1992 by a broad group of lawyers, environmentalists and scientists who recognised that there was an imbalance between the professional resources available to those largely responsible for harming the environment and those available to the communities who have to live with the adverse impacts of this harm. Whether we live in a village, town or city, ELF believes we are all entitled to a healthy environment.

ELF's purpose is to secure environmental justice and so social justice for all. ELF's Advice & Referral Service operates a cross-disciplinary network of solicitors, barristers and technical consultants across the UK who provide free initial advice and continuing support on environmental community-interest cases. Since 1992, ELF has referred over 2,600 cases on a wide range of environmental concerns to its network of advisers.

The work of the Advice & Referral Service is now supplemented by the ELF Plus project. Initially, this was only for cases arising in London but was recently extended to cover England. ELF Plus has a full-time solicitor, based in ELF's office who is able to provide telephone and written advice directly to enquirers. This means that ELF is able to respond more quickly to requests for help and, if it is necessary to refer cases on to the ELF network, the efficiency of referrals is improved.

ELF also operates a Community Outreach programme which aims to raise awareness of how individuals and communities can use the law to address local environmental concerns. This runs free seminars and workshops throughout the UK which usually involve participation by ELF advisers. The events offer an opportunity for people to learn more about how they can get involved in local decision-making and address their concerns. The Community Outreach programme also runs events in conjunction with other organisations such as Friends of the Earth and the Civic Trust.

If you think ELF may be able to assist with a case please get in touch. We encourage people to contact us as early as possible because delay can prevent them taking legal action. For example, advice may be sought by objectors to a planning application on how to challenge a local authority's decision granting permission. As there is no third party right of appeal in planning the only option would be an application to the High Court for a judicial review. This is a challenge to the decision-making process, not the merits of the decision. Any challenge must be brought promptly and, in any event, within three months. The sooner advice is sought the better.

ELF can be contacted by telephone: 020 7404 1030; email: [info@elflaw.org](mailto:info@elflaw.org); or post: Suite 309, 16 Baldwins Gardens, London EC1N 7RJ. For more information see: [elflaw.org](http://elflaw.org)

*Our thanks to Tom Brenan, ELF Plus Project Solicitor for this article.*

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## Housing News

### **Homeless teenagers: Landmark judgment from the Law Lords**

On 27th February, a local authority was criticised for not taking appropriate action to provide for a 16 year-old girl, M, whose mother could not look after her because she had cancer and other difficulties. Giving judgment in the case brought by the Howard League for Penal Reform, the Law Lords found that the London Borough of Hammersmith and Fulham should have referred M (who is now 20 years old) to its children's services department rather than access its housing department to put her up in a string of temporary hotels and hostels.

Although the House of Lords dismissed M's case on technical grounds, they found unanimously that London Borough of Hammersmith and Fulham did not do what they ought to have done for M, namely refer her for support from children's services. This judgment is very important in setting out how local authorities should deal with 16 and 17 years old who are unable to live with their families. It is no longer

good enough for housing staff to provide temporary poor quality accommodation as has too often happened in the past. There must be an assessment of the needs of the young person and a decision made about the level of service to be provided.

The full judgment is available at <http://www.publications.parliament.uk/pa/ld200708/ldjudgmt/jd080227a/hammer-1.htm>

This case was significantly different from other resettlement cases the Howard League for Penal Reform is involved with, as M became our client when she was 18 and not when she was a child. The Howard League's legal team contended that M should have been eligible for provision under the Children Act 1989 before she entered custody, where she turned 18, rather than after leaving custody as is the situation with our other clients from resettlement cases.

The thrust of the Howard League's case was that M should be entitled to on-going leaving care assistance under the Children Act 1989 (as amended) in light of the fact that she would have been entitled to this if she had been lawfully assessed as a child in need and accommodated under s20 before reaching the age of 18, as the judgment confirms 'ought to have happened' in this case. The Lords did not consider it appropriate to grant retrospective assistance in this case as M had never been dealt with by social services at all and all her requests for help had been dealt with through the Housing Department.

This judgment also demonstrates the vital importance of legal aid being available to challenge decisions that have an enormous impact on the lives and futures of young people. Not only would this case not have been possible without legal aid, but the availability of legal aid for other young people who experience similar problems will be essential if the guidance in this judgment is to be enforced.

### **Homelessness Complexity**

Homeless Link and the Resource Information Service have launched an independent research in the field of adult disadvantage and homelessness. One of their key findings is that

there is a clear link between the lack of settled accommodation and criminal behaviour.

## Immigration News

### **New Green Paper**

The Home Office issued a Green Paper setting out plans for the path to settlement or citizenship for non-EEA migrants to the UK. The paper argues that this will require '*migrants to demonstrate a more visible and more substantial contribution to Britain as they pass through successive stages*'. A new 'probationary citizenship' is to be created between the stages of temporary and citizenship and will last from 12 months to five years. The status of permanent residence will only be given as an alternative to full British citizenship. The acquisition of permanent residence will generally take longer than that of British citizenship, and will involve sitting language and knowledge of British society tests.

Prohibition on public funds benefits and services will continue up to the point migrants become either full British citizens or permanent residents. The Paper suggests that extra taxes and visa charges will be levied on non-EEA nationals to create a fund intended to contribute to the cost of the impact of migrant in eligible areas of the country.

The **Migrants' Rights Network** has produced a briefing paper which can be downloaded from their website: [migrantsrights.org.uk](http://migrantsrights.org.uk). The paper has criticised almost every aspect of the proposals and urges migrant communities to consider the impact of the proposals. Comments can be sent to the Home Office up to the 14th May 2008.

The director of Migrants' Rights Network is Don Flynn whom many of you will know from his work at JCWI.

### **Points System**

Rules for the new points system for highly skilled foreign workers applying to come to the UK were announced in February. The regulations came

into force on 29th February and will begin to be rolled out overseas in April, starting in India. The government aim to have the new system operating worldwide by the summer.

In January the Border and Immigration Agency completed its global rollout of fingerprinting for all visas. Everyone now coming to the UK on a visa has to have fingerprints taken and their details checked against 'watch-lists'. 'If they are on the list for the wrong reason they can't come in and could be banned from applying to come again for up to 10 years.'

### **The Right to Work**

Lord Goldsmith said last month in a report requested by Gordon Brown that paid employment was essential to help people seeking asylum to help themselves, British society and the UK economy. He called for a further review of current practices.

### **Chinese Immigration Concern**

A rally took place in March of Chinese employers and worker to voice their concern about the detrimental effect of workplace raids on Chinese business. The Chinese Immigration Concern Committee ([ciccuk.org](http://ciccuk.org)) is asking government to stop all BIA raids on Chinese catering businesses, work with the Chinese community to resolve its problem of skill shortages and regularise undocumented migrant workers.

### **OISC**

The Border and Immigration Agency carried a review in February on the regulation of the Immigration Advice and Service Office by the Office of the Immigration Service Commission. The consultation asked a number of questions about levels of abuse, quality and asked whether regulation could be done by some other means. *Our thanks to those Law Centres who contributed to the response.*

### **Accreditation**

The LSC has clarified the situation regarding re-accreditation requirements for non-solicitors working in non-solicitor agencies. A meeting

between the LSC and OISC confirmed that individuals passported through the competence requirements of the OISC statutory regulatory scheme on the basis of have completed the SRA's IAAS (Immigration and Asylum Accreditation Scheme) should also be subject to the SRA re-accreditation scheme to remain eligible to perform work under and LSC immigration contract.

The SRA are currently developing the IAAS re-accreditation scheme. In the meantime members whose accreditation is due to expire in the near future have an extension to at least 1st July 2008. *There should be more news shortly.*

## Trafficking

Home Secretary, Jacqui Smith announced in January that the government intended to ratify the Council of Europe Convention against Trafficking by the end of the year. At the same time the Home Office announced a review of the Government's reservation on the UK Convention on the Rights of the Child. In part this is due to giving statutory responsibility for keeping children safe from harm to the Border and Immigration Agency.

## IPCC

From 25 February 2008, as well as being responsible for complaints against the police, the **Independent Police Complaints Commission**

(IPCC) will also be responsible for the way serious complaints against Border and Immigration Agency (BIA) staff are handled.

The IPCC's remit only extends to complaints that involve BIA staff using police-like powers and serious allegations about the conduct of BIA staff in England and Wales, for example - serious assault or death.

The IPCC has no powers to deal with less serious complaints relating to staff or complaints about BIA policies, for example - asylum claims or visa applications. These complaints should be made directly to the Border & Immigration Agency to be dealt with under its complaints procedures.

A new leaflet from the IPCC provides more information about the IPCC, its remit to investigate complaints against BIA staff and its responsibility for appeals made by members of the public in relation to serious complaints against BIA. Copies can be ordered by contacting the Customer Services Team on 08453 002 002 or via email at [enquiries@ipcc.gsi.gov.uk](mailto:enquiries@ipcc.gsi.gov.uk).

As well as English and Welsh this leaflet will also be available to download in 16 other languages from the IPCC website: [ipcc.gov.uk](http://ipcc.gov.uk).

## Welfare Rights News

### Incapacity benefits

As part of the Welfare Reform Act 2007, from October 2008, the Employment and Support Allowance will replace Incapacity Benefit and Income Support for new clients. The new system will consider what an individual is capable of, and what help they need to manage their condition and return to work.

A new test, the Work Capability Assessment, will be introduced in October 2008 alongside the new Employment and Support Allowance and will be applied to all those people claiming the new allowance. The new test is more robust, accurate and fairer. It will replace the current Personal Capability Assessment, which is



Paul Newell, Head of LSC Civil Policy Development speaking about the future of immigration provision at LCF conference. This was discussed further at the LCF General Meeting in March where it was proposed that regional meetings take place to discuss future regional and national Law Centre bids.

weighted more towards a person's physical disability and bases itself around assessing people's incapability for work.

The Work Capability Assessment will look at people's physical and mental ability, such as learning disabilities and other similar conditions. It will assess what an individual can do - rather than can't do. Individuals with health conditions will be given support and employment advice to enable them to return to work where possible. A response from the Disability Alliance is below.

### **It's not about the pennies, it's about the principles.**

*'Disability Alliance is very concerned that the Government intends to cut benefit rates for the poorest people in society. A reduction of £1.85 per week is being introduced for most new claimants of employment and support allowance from October 2008, compared to current rates of the equivalent benefit.*

*'We remain extremely concerned that alongside a new, more stringent test of entitlement, there will be an increase in the number of disabled people that will be forced into even greater poverty as a direct result of this reduction. We also remain concerned that about the lack of adequate provision of appropriate support for the increasing number of disabled people who will be required to take up employment. We call on the Government to urgently review the proposed rates of employment and support allowance to properly reflect the extra costs faced by disabled people.'*

### **Enforcement Restriction Orders**

The Ministry of Justice is proposing to help people with multiple low level debts. People who need extra time could go to court for a new Enforcement Restriction Order. If granted this would provide temporary relief from the debt being enforced and collected for a set period of time.

Other measures being considered are:

- \* the amount of surplus income needed before an Administration Order can be made

- \* the provision of information about a debtor's financial circumstances
- \* providing notice of the intention to dispose of assets
- \* the introduction of a standard method for calculating debts.

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## **London Legal Support Trust**

*Article from Bob Nightingale about the Trust*

For a number of years, some London Law Centres had developed "partnerships" with City law firms to deliver pro bono services. Those partnerships also brought in City firm funding and that gave us an idea.

The London Legal Support Trust was established in 2004 to raise funds from City firms and chambers to support legal advice charities in London and the Home Counties. The term "legal advice charities" was chosen to define beneficiaries as those who use qualified lawyers as staff or volunteers. Thus the commercial lawyers would be supporting their colleagues in the voluntary sector.

The first Trustees, David Mackie QC, head of litigation at Allen & Overy and now High Court Judge Mackie QC CBE, Richard Dyton, pro bono partner of Simmons & Simmons and me. We had no idea of what potential may have been out there and we would have been pleased to raise £5,000 or £10,000 a year. Things turned out somewhat better than that.

In year one, we received some donations which helped us to get going. We decided that we could cope with one event for 2006 and chose a sponsored walk as that had been successful for Wandsworth Law Centre. We were persuaded against my judgement to hold the walk on a Monday evening at 5.30. We made it short (10km). The walk attracted 330 lawyers including the, then, Master of the Rolls, Lord Phillips of Worth Matravers and Kevin Martin who was President of the Law Society. We raised £39,000 and everyone said they'd see us again in a year.

With those funds we did another funding round and provided small funds (up to £2,000) to about 20 agencies. We also made a much larger donation to save a well known Law Centre from closure. Then we felt like a real charity.

In 2007, as a result of very close contact we'd developed with Allen & Overy, they agreed to start a pilot "client account interest" scheme. They gave the Trust funds raised from amalgamating their client accounts to produce extra interest than each account earns by itself. The extra .25% or .5% is the bit donated to charity. That's known as IOLTA or IOLA in other countries and can raise substantial funds. Indeed from A&O alone we raised £70,000 in the first year

The second walk was an even greater success than the first with 880 walkers including the Lord Chief justice, the Master of the Rolls, the President of the Law Society and the Chair of the Bar Council. We raised £96,000 and we realised that the potential for fundraising was enormous given the right vehicles.

Donations were also mounting and we managed to deliver funds amounting to nearly £1/4 million to legal advice agencies in our second full year. The third year, 2007, was similar except that ILEX joined the walk and the walk alone, with 1,800 walkers, raised £210,000 and it still hasn't reached its full potential.

Another interesting walk development was a simultaneous walk in Newbury organised by Vodafone's legal department which raised £8,000 for LawWorks. Now it was obvious that fundraising outside London was a good idea and that legal advice agencies throughout England and Wales could benefit from similar activities. We delivered about £350,000 to legal agencies in 2007. That brings us to 2008 and plans for the future.

The client account pilot has proved a success delivering £50,000 - 100,000 p.a.. We are now asking other firms to join in that initiative.

We are also putting pressure on the Law Society to make donation of the funds abandoned in firms' client accounts by long disappeared clients. Currently the rules are onerous and deter

firms from releasing the funds. We and the largest firms are pressuring the Society to allow these funds to be released at the firm's discretion (and risk). If we are successful it will produce a pool of millions of pounds as a one off event. That would form a very useful foundation.

We are also developing more ordinary charitable funding streams. We are registered with "Everyclick" search engine. If you use that instead of Google etc. It raises funds for charity. If you name the Trust as the charity you support we get the funds raised by your searching the web. It costs you nothing. Everyclick just divvy up half of all their advertising profits to the charities.

Join us now at

<http://charities.everyclick.com/info.xq?id=568832> .

While the London Legal Support Trust has been growing another initiative has been in its early stages. The Access to Justice Foundation has been established by the Attorney General's pro bono committee. It goes live next month and is initially designed to raise funds from costs in pro bono cases. However as a national charity with the same aims as the Trust the Foundation is in an ideal position to develop in England and Wales the funding streams that the Trust has been working on in the South East.

It is therefore on the Foundation's agenda to develop, with our help, Legal Support Trust for each region. The Trusts will undertake event fundraising, like the walk, and gain local donations while the Foundation will draw in funds from client account and dormant account schemes for distribution to all regions.

That is an ambitious plan and will take time but the end result should be that all Law Centres and similar agencies throughout England and Wales should gain some benefit from the funding derived.

**Watch this space for developments and in the meantime get your Law Centre signed up to Everyclick**

**4th London Legal Sponsored Walk**

The walk takes place on **19th May** at 5.30 p.m. to raise funds for the Trust and for voluntary legal

agencies. It starts at the Royal Courts of Justice and ends at the Law Society at 113 Chancery Lane. The walk will be led by the Rt. Hon the Lord Phillips of Worth Matravers, the Lord Chief Justice and the Rt. Hon Sir Anthony Clarke, the Master of the Rolls. To date there are over 120 teams including the LCF and 1,200 walkers registered.

For information and to register your team for May 19th e.mail:  
[chair@londonlegalsupporttrust.org.uk](mailto:chair@londonlegalsupporttrust.org.uk)  
 or call Bob Nightingale on 020 3088 3656

## Shorts

### **Charity Commission**

A new Charity Tribunal was set up in March. It will mean that once the Commission has reviewed a decision internally, charities and other people affected by the decision can go to the Tribunal for an independent hearing.

### **Consumer Credit Appeals Tribunal**

The Consumer Credit Act 2006 established a new tribunal jurisdiction. The new Tribunal will be launched in April 2008 and will take on the work of the consumer credit appeals panel. The new Tribunal will be part of the Tribunals Service.

### **Pro Bono Costs**

Pro bono-supported litigants who win in court will be able to claim costs against the other side from October 2008 with the sums recovered helping fund pro bono work. The change will require secondary legislation so as to implement section 194 of the Legal Services Act. Monies paid will be given to a prescribed charity that will distribute them to voluntary groups which provide legal support for individuals and the community. The charity will be expected to consider any preferences expressed by the lawyers.

### **ASBOs**

Antisocial behaviour orders are failing according to a report by the Institute for Public Policy Research. The report says that Asbos should not be used on children younger than 12 unless accompanied by family or parenting orders and Individual Support Orders. They had found that Asbos were not communicating to young offenders that their behaviour was inappropriate,

but were instead seen as symbols of 'cool rebellion'.

IPPR recommended that antisocial behaviour legislation be reformed so the most 'at risk' parents were targeted with support and services. It suggested that government set up a series of 'Sure Start Plus' centres in deprived areas aimed at supporting children aged between 5 - 12 and their families.

### **Poverty target**

The government's Work and Pensions Committee has warned that the 2010 target for halving child poverty was in danger of not being met. A report was published in March that found that some 2.8 million children live in poverty and that it was 'unacceptable' that some children - such as those who were disabled or had a disabled parent - faced a higher risk of living in poverty. Poorer children were less likely to do well at school and were more likely to experience social exclusion. The report found that poverty rates were particularly high in London, with Pakistani and Bangladesh children twice as likely to grow up in poverty. Black children were also more likely to live in poverty than their white peers.

### **Futurebuilders**

Adventure Capital Fund is to take over running Futurebuilders in April. ACF will be responsible for investing £215m of government funds. It will continue to be delivered as a mixture of grants and loans.

### **Awards**

The Centre for Social Justice has a prize fund of £50,000 to award to organisations who make an exceptional contribution to tackling poverty and turning lives around. A 500 word paper needs to be submitted by **14th April**.  
 Website: [centrecirsocialjustice.org.uk](http://centrecirsocialjustice.org.uk).

## Conferences

**ASA Annual Conference** 18th March at Friends House, Euston Road, London. Speakers include Crispin Passmore, LSC director of the CLS and Richard Jenner, Director of ASA. There are a wide range of workshops including one by **Julie Bishop**, Director of the LCF on 'Out of the frying pan?' and one by Karl Demian, Director of Provider Readiness on 'Supporting Providers'. Fee is £146.88 inc. VAT. Visit ASA website for a booking form: [asauk.org.uk](http://asauk.org.uk).

**Charity Management Conference** 8th May in London and organised by the Directory of Social Change. £185 or £250 depending on your turnover. Information at: [dsc.org.uk](http://dsc.org.uk).

## Training

### **Peer Review**

The Advice Services Alliance is hosting workshops, developed by Independent Peer Reviewers and the Legal Services Commission on how to improve your quality by learning from peer review. The workshops are aimed at supervisors and caseworkers and take place in Birmingham, London and Manchester and cover welfare rights, debt, immigration and housing. Cost £70.50 inc. VAT. There are four workshops on each area and they take place during April and May. Visit: [asauk.org.uk](http://asauk.org.uk) for further details.

### **Training for Lawyers - Using the Local Government Ombudsman**

The Local Government Ombudsmen offer training, accredited by the Solicitors Regulation Authority, to help lawyers understand when it can benefit clients to complain to them instead of going to court.

The Ombudsmen know that many people go to a lawyer when they have a problem with a local authority, so they believe it is increasingly important that lawyers understand the options for dealing with these clients' cases. The course covers issues including the Ombudsmen's role and jurisdiction; how they investigate and put things right; the Ombudsman or the courts - options; and costs. They hope that this course will increase lawyers' awareness of one way to

help their clients that they may not previously have considered.

The next course is to be held in London on Friday 2nd May. The course costs £95 per person. For booking details or further information, contact Peter Whiteley on 020 7217 4626 or email [p.whiteley@lgo.org.uk](mailto:p.whiteley@lgo.org.uk)

### **The New Points-Based System**

JCWI course on 8th May taking place in London. With tier 1 already partially in force, and with a statement of intent due later this month on tier 2, this course is designed to equip practitioners with everything they need to know about the Points Based System. It will also provide practitioners with a understanding of the new civil penalties scheme brought into force at the end of February 2008.

This half day course is delivered by a senior law lecturer who heads the immigration department at a London University and has practised in immigration law:

Non-Profit orgs: £135 +VAT Trainer: Tehmina Khan. For this and many more courses visit: [jcw.org.uk](http://jcw.org.uk).

## Leaflets

The Charity Commission has published three new leaflets, Charities and Public Interest, Charities and Public Benefit Summary Guidance for Charity Trustees and an Analysis of the law underpinning Charities and Public Benefit.

Copies on their website:  
[charitycommission.gov.uk](http://charitycommission.gov.uk)

## Books

**Promoting Equality and Diversity: A Practitioner's Guide** explains the fundamental changes in the approach to achieving equality and diversity that are occurring as a result of recent legislation. The work takes a task based approach to the subject, suggesting legal solutions to discrete practical problems, and providing clear, pragmatic guidance to enable practitioners to tackle the individual problems they might encounter. This book provides a clear and practical explanation of both good practice

and the legislation behind the new proactive approach that is being adopted. It covers areas that receive no treatment elsewhere and offers guidance to organisations that want to implement equality measures but are unsure of how to do so. This book not only explains the relevant legal concepts but also offers real practical advice on topics such as how to carry out impact statements; how to carry out equality pay audits; and the role of monitoring.

Oxford University Press £39.95 (Paperback)

**Human Rights Act Toolkit** published by Legal Action Group in February. Written by Jenny Watson and Mitchell Woolf. £30

**Housing Law Casebook** 4th edition published by Legal Action Group. Written by Nic Madge and Claire Sephton (who used to work at North Kensington Law Centre) £55

Information on their website: [lag.org.uk](http://lag.org.uk)

**Surviving Contracts for Voluntary Organisations** by Alan Lawrie and Jan Mellor. 'Everything you need to know about contracts, from analysing a specification to the legal aspects of contracting.' £18.95 from the Directory of Social Change. [dsc.org.uk](http://dsc.org.uk).

### **Student Support and Benefits Handbook**

5th edition published by CPAG with the National Union of Students. £12.00 plus £3.99 p&p.

Information about this and other CPAG books such as their new Welfare Benefits and Tax Credits Handbook, Disability Rights Handbook 2008/09 visit: [cpag.org.uk](http://cpag.org.uk)

### **Avevo Briefings**

Acevo has published four online briefings covering all aspects of 'Successful Procurement and Negotiation' after a six month research project funded by the Finance Hub. The four briefings covering; negotiation, tendering and bidding, VAT, and impact reporting are intended to help third sector organisations diversify income by helping them to manage procurement and negotiation processes.

Information on [acevo.org.uk](http://acevo.org.uk) or on [financehub.org.uk](http://financehub.org.uk)

### **Websites**

#### **Law Library**

The Law Society has set up a free legal information service for solicitors and their employees. It is a collaborative project between the Law Society and LexisNexis. Information on the books, journals and law reports held by the library can be searched without registering. Visit their website: [lawsociety.org.uk/libraryonline](http://lawsociety.org.uk/libraryonline)



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The Law Centres Federation is funded by the Baring Foundation, The Big Lottery, City Bridge Trust, City Parochial Foundation, Equality and Human Rights Commission, Legal Services Commission and London Councils.

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