

# Networking...

The national voice of Law Centres

## CLACs + CLANs = CLAs

The Legal Services Commission (LSC) recently announced the areas in which they plan to establish CLACs and CLANs now known as Community Legal Advice services (CLAs) by 2010. The LSC's Five-Year Plan was published following the Deed of Settlement with the Law Society and is discussed later in this newsletter.

The LSC is in 'active discussions about the possibility of jointly commissioning CLAs in **Barking & Dagenham, Manchester, Stockport, Sunderland and Wakefield**. In **Hull** the LSC indicated that they have a preferred bidder. CLANs are planned for **Cardiff, the Vale of Glamorgan and Bridgend, East Riding, Gloucestershire and West Sussex**.

**Cornwall** CLAN, which was the first CLAN to be announced last year, is not listed. In April, Cornwall County Council said that it was withdrawing from negotiations with the LSC as it believed that if the CLAN had gone ahead it could have jeopardised the survival of existing advice services. This may also be an issue in **Hull**, where A4E and Howells Solicitors won the bid to run the CLAs, resulting in the threatened closure of Hull CAB.

David Harker, Chief Executive of Citizens Advice writing in Legal Action said in response to a submission made by Crispin Passmore, 'The possible closure of Hull CAB, with its 70 year history of serving the community, and the financial instability

of some Law Centres following the introduction of the fixed fee regime, may be the start of the destruction of much valuable social infrastructure.... Destroying these institutions impoverishes the lives of the communities they serve. I suspect that this dawning realisation is leading councillors in Hull to think again, and causing many local authorities to think long and hard before joining the world of CLACs and CLANs. Perhaps it will also lead national government to reflect upon the contradiction between its policies for strengthening communities and the marketisation of legal aid.'

In the April 2007 addition of *Networking*, the article, 'Alternatives to LSC CLACs and CLANs' detailed the activities of three Law Centres in Nottingham, Sheffield and Tower Hamlets in response to the plan for CLAs:

\* **Nottingham Law Centre** has formed a consortium with eight other NfP advice agencies, that have been meeting since July 2006, and have set up an infrastructure organisation, 'Advice Nottingham'.

\* **Sheffield Law Centre** is part of the Consortium of advice agencies that was launched in March 2007. The Community Legal Advice Services for South Yorkshire (CLASSY) has a steering group of NfP advice

### Law Centres Federation

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

Tel: 020 7428 4400

Fax: 020 7428 4401

EMail: info@lawcentres.org.uk

Web: www.lawcentres.org.uk

### Contents

CLAs.....	1 & 4
Legal Services News.....	2
From the Director.....	8
Law Centre News.....	9
Equality News.....	12
Mental Health.....	15
Tribunals.....	15
Environment Law.....	16
Employment News.....	16
Welfare Benefits News.....	18
Housing News.....	21
Immigration News.....	22
Role of the Third Sector.....	25
Shorts.....	27
Funding News.....	29
Conferences, etc.....	31



agencies including the Law Centre, CABx and independent advice agencies. Its membership will be open to individuals and to all the advice agencies in the NfP sector based in Sheffield that have a commitment to providing free, independent advice and have quality assurance standards in place.

- \* **Tower Hamlets Law Centre** has a lead role in the Community Advice Network in the borough. A partnership of agencies, drawn together through the local Community Legal Service Partnership (CLSP), comprises of twelve organisations including the Law Centre, the CAB, independent advice agencies and private practice legal aid solicitors. The number of agencies involved may increase in the future.

LCF will work with Law Centres to help them plan for CLAs in their area. In the coming weeks staff from the LCF will visit each Centre to discuss this along with a number of related topics.

## You-Tube used to 'get Satisfaction' in Rochdale

On the day the McCartney divorce outcome received blanket coverage in the press, the front page of the Sun website also highlighted the you-tube video of Rochdale pensioner, Alan Taylor.

Alan, who uses a wheelchair to get around, was frustrated at the long delay to the repair of the lift at Piccadilly train station in Manchester. After repeated efforts to get action from the station staff, Alan asked Rochdale Law Centre for help.

There were a number of legal options open to Alan but the Law Centre thought the fastest remedy may be a novel one. They decided to put their application to You-Tube. Alan has his own karaoke machine and is a fan of the Stones. The Law Centre got hold of a Video Recorder and they headed down to the station. Alan forgot his mike so with umbrella in hand he headed for the broken lift singing *'I can't get no satisfaction, and I tried and I tried, I can't get no ...'*. A video was made. Within days of the video being posting on You-Tube, the lift was fixed.

Watch Alan's performance at:  
[youtube.com/watch?v=jzIBTZdSBnQ](http://youtube.com/watch?v=jzIBTZdSBnQ)

## Legal Services News

### Five Year Plan

The Legal Services Commission (LSC) published 'Civil Legal Aid Contracts: The Next Five Years' in April following the agreement reached in the Deed of Settlement reported on below.

The 'Route Plan' outlines the Commission's plans, including the important announcement about commissioning of services under a single contract. This single contract with the LSC will cover the five areas of social welfare law and related public law. According to an LSC press release about the future Community Legal Advice services issued in May, the Commission plans to 'take steps' to commission **single providers where there are no current plans for CLACs and CLANs.**

### Contracting

Until current contracts expire on 31st March 2010, the LSC has made a commitment to restrict the number of amendments made to the contracts and to consult on any proposed changes.

### A New Unified Contract

A new Civil Contract will be introduced in April 2010 and should run for three years. A twelve week consultation on the award and terms of the new contract will begin in September 2008 and the LSC will announce its decisions on the terms of the new contract in April 2009. The bid round process for the award of contracts in 2010 will take place between May and December 2009, starting with requests for expressions of interest in May and June.

There will be two types of procurement areas. 'One-stage areas' will be those areas where the LSC considers that it can award a contract to all those that have completed an expression of interest and meet the essential criteria, without the need for a further stage. 'Two-stage areas' will be those procurement areas where the LSC considers that it needs to choose between bidders by assessing them against desirable criteria. If you are based in a 'one-stage area' you will hear if you have been successful in July 2009; if you are in the 'two-stage area', you will be invited to bid between July and September and will hear about your success in December 2.

The LSC will run interim bid rounds before April 2010 to award additional New Matter Starts, 'to ensure that the volume and spread of civil services are maximised with the capped legal help budget'.

The consultation in September is likely to be very important as it could augur the beginning of single contracts being awarded to just one supplier to cover all of a determined procurement area.

### **Graduated and Fixed Fees**

The LSC is to review the operation of the first stage of operation with a new Civil Contracts Consultative Group to see if any changes should be made to the schemes for April 2010. The LSC are interested in exploring whether to introduce further graduation. 'This would provide greater certainty to legal aid providers, as well as reduce the burden to providers and the LSC caused by the need to cost assess exceptional cases'.

The LSC intend to publish the outcomes of the review in January 2009, with a further 6 week consultation.

### **Best Value Tendering**

Best value tendering will not begin until 2013, although the LSC plan to trial best value tendering for mainstream services in two or three geographical areas between 2010 and 2013. Mainstream services include face to face services, telephone services, duty schemes and Centre\Network services.

In LSC's last corporate plan they said that they aim to reduce their administrative budget by up to £30 million by 2011. Reducing the number of suppliers will surely help the LSC to achieve this aim.

The Ministry of Justice reports in their latest Department Report that they made savings of £152 million on legal aid last year. The Law Society Gazette reports, *'the government said reduced costs in civil and criminal budgets had been achieved through initiatives such as fixed fees for family cases, capping tailored fixed fees and changes to very high cost criminal cases.'* In the pre- budget statement last October, higher savings are expected in this current year to keep within the £2.1 billion budget.

These 'reduced costs' to legal aid are likely to be around £193 million. The Ministry of Justice stressed that figures saved in the spending review are against expenditure levels forecast if they had not introduced the current programme of legal aid reform.

### **Ministry of Justice Third Sector Strategy**

The Ministry's Third Sector Strategy on 'improving policies and securing better public services through effective partnerships 2008 - 2011' was published at the beginning of June. The paper says that the Ministry wants the third sector to *'help us understand user needs as a pre-requisite to service design and delivery and we want the sector to help us with design and service shaping'*.

Four strands underpin the Ministry's approach: enabling voice and campaigning, strengthening communities, transforming public services and encouraging social enterprise. A copy of the strategy and a range of papers on legal services are on the LCF website under 'Publications' and then scroll down to 'Legal Services'.

### **Deed of Settlement**

Following legal action, a Deed of Settlement was agreed between the Law Society, the LSC and the Ministry of Justice on 2nd April. The deal has ended the long-running dispute between the profession and government. The LSC will now have to comply with a Court of Appeal ruling handed down in November 2007.

The main result was to limit the power of the LSC to amend contracts, which is reported on above. Carolyn Regan, the Chief Executive of the LSC said, *'Contracts need to be clear about the conditions that will apply throughout the term of the contract and amendment clauses cannot be too wide. This means that contracts are likely to be for shorter periods in the future and each time new contracts are offered the procurement process will be open to new bidders, as well as existing contract holders'*.

In addition, the settlement has resulted in a new Standard Monthly Payments (SMP) Reconciliation Protocol which will be implemented in July 2008. This says that provided the claims to payments balance is within 10% of the total claims going back twelve

# Networking..

months, there will be no change to the SMP. The LSC say that in general there will be two reconciliations a year.

The LSC has agreed to look at the operation of Contract Compliance Audits and agreed that any financial recoupment will be made on a '*genuine assessment of loss in accordance with the Contract*'. The agreement also covered an increase in rates and payments. These included a 2% rise for legal help fixed fees taking effect from 1st July 2008. It will be brought in via a new Funding Order. There will also be a 5% increase in Controlled Legal Representation (CLR) fees and rates for mental health and asylum.

Ms Regan said, '*The constructive nature of recent negotiations and the strong commitment for all to continue to working collaboratively in the future is, in many ways, the most important outcome and signals a new way forward for all parties*'.

## CLACs - Are they worth it ?

A Policy Paper on Community Legal Advice Centres by Adam Griffith from the Advice Services Alliance was published in May. The paper lists a number of concerns about CLACs:

1. There are structural issues arising out of the need for a tendering process and the CLAC's monopoly position in a particular geographical area:
  - \* The CLAC specifications are highly prescriptive, creating the risk that CLACs will be inflexible in their operation
  - \* Establishing CLACs as local monopolies creates difficulties for clients, if the CLAC is unable or unwilling to help them, and for funders, who will have 'put all their eggs into one basket'
  - \* Requiring CLACs to provide generalist and specialist advice may be problematic, as the provision of both types of advice within one organisation on the scale envisaged is largely untested.

- \* Having two or more providers increases the likelihood of complicated organisational structures, potential conflicts of interests, and regulatory confusion

- \* There is ambiguity as the extent to which CLACs' services are to be limited to local residents.

2. There are serious questions as to the extent to which CLACs are responding to local need. The requirement to target priority client groups is problematic, seems unlikely to work, and needs serious reconsideration.

3. There are concerns as the extent to which CLACs will be, and will appear to be, independent of their funders. Some of the specifications tie the CLACs very closely to council services.

4. There are doubts as to whether funding is sufficient to match the expectations that are likely to be created by the establishment of CLACs.

- \* It seems that the generalist advice service is being asked to achieve too much for too many people given the resources available. Many clients are likely to be disappointed by the limitations that will inevitably be placed on the service.

- \* There are concerns as to whether the specialist services will be sufficient.

5. There are serious concerns about quality, now that CLACs are no longer required to obtain a score of 1 or 2 at peer review.

In the conclusion, the paper looks back at the original proposals for CLACs. At that time in 2005, the Legal Services Commission stated in 'Making Legal Rights a Reality' that it did 'not intend to replicate existing provision where this is serving communities well'. In reality, the first three of five CLACs that have been put out to tender are in areas where there are already Law Centres: Gateshead, Leicester and Derby. In Gateshead, the Law Centre has now gone into

administration. In Leicester, the tender was won by a private sector company, A4E with one subcontractor, Howells Solicitors. In Derby, the tender was won by 'Access to Law' which involved four subcontractors: Derby Citizens Advice and Law Centre, Derbyshire Housing Aid, Moody & Woolley Smith Partnership. Law Centres and other advice agencies have to tender for CLACs because their service is threatened with closure if they fail to succeed. The value of Law Centres: their community base, their strategic work, their specialist legal skills have not easily fitted in with local specifications. A key issue remains about the interpretation of value for money and the value given finding long-term solutions to local problems.

ASA's paper lists a number of issues that the LSC should evaluate. These include looking at whether CLACs provide a quality service; whether they actually work better than other existing models and their alternatives (including Community Legal Advice Networks) and whether any gains or benefits are proportionate to the costs involved in the tender process for both funders and providers, the risks involved, and the impact on the wider advice sector in each area affected. The evaluation is being conducted by the LSC's Legal Services Research Centre and is to be published in 2009. The paper, in conclusion says that the evaluation needs to establish whether CLACs really produce added value, whether the gains are proportionate, and whether CLACs are really worth it.

Another nine Centres or Networks are to be established before 2010 in addition to the Derby, Gateshead, Leicester and Portsmouth CLACs. This is a long way from the LSC benchmark set in March 2006 for 75 CLACs and 36 Networks to be set up by 2011 - figures based on the number of benefit claimants and population density.

### Price of No Advice

On 7th April, Age Concern launched a new campaign, 'The Price of No Advice' and an accompanying report, 'Transforming Lives'. The campaign calls for a new cross-government strategy to develop a more co-ordinated approach to providing and funding advice services.

Age Concern reports that nearly half a million older people risk missing out on vital financial help and other support this year following swingeing cuts to advice services. Across England, 80% of Age Concern offices have suffered funding cuts to their well respected information, advice and advocacy services. Last year alone, these services helped put £100 million of money benefits into the pockets of older people.

'Transforming Lives' highlights the vital role played by information and advice services in tackling poverty, promoting dignity, and providing support for older people. It focuses particularly on the role services play in ensuring older people claim all the benefits and allowances they are entitled to. The report highlights the disastrous impact of these cuts and calls for increased funding for these vital services.

For a copy visit:

[ageconcern.org.uk/AgeConcern/price-of-no-advice](http://ageconcern.org.uk/AgeConcern/price-of-no-advice)

### Older People's Day 2008

The Department for Work and Pensions has announced that the 1st October will be UK Older People's Day 2008. One of the aims is to ensure that older people don't feel excluded or isolated from the rest of society.

### Legal Aid and the Public Interest

The Bar Council launched a new debate over legal aid with the publication of 'Legal Aid and the Public Interest: Towards an Effective Public Private Partnership' on 20th May. The discussion paper calls for reforms to protect the most vulnerable and the interests of justice.

The discussion paper is designed as the start of a 'conversation' with stakeholders in the legal aid system, to run between now and the General Election, expected in spring 2010.

Writing in the introduction, Tim Dutton QC, Chair of the Bar, says:

*'We may be about to face the irreversible consequences of the erosion of legal aid, brought about by reductions in funding of front-line services by Government. Legal aid is worth standing up for - not for the sake of lawyers, but in the public interest and in the interests of justice. A robust legal aid system serves the goals of the conviction of the guilty and the acquittal of the innocent. It is also a tool for tackling social exclusion, and a powerful weapon in favour of the weak, the victim and hard-working families who deserve a fairer deal from the law. It is in the interests of justice, because the court system cannot operate effectively without the support of suitably qualified and properly paid solicitors and advocates, with a fundamental duty to the court, and a responsibility to do the right thing in the eyes of the law.'*

The Discussion Paper sets out a blueprint for a world-class legal aid system, which should be accessible, independent, tailored, affordable, balanced and of high quality.

Julia Beer, Chair of the Young Barristers' Committee said:

*'This debate will dispel the myth of the 'fat-cat' barrister, which has been so irresponsibly deployed by Government in recent years to undermine the legal aid system, and deliver substantial and unacceptable cuts in front-line services. The plain fact is that most barristers doing legal aid work make very modest sums, equivalent to or less than those earned by other public servants. Fees for the junior Bar are now so low that the inevitable consequence will be a drying-up of the talent pool. In an age of increasing student debt there is a real danger that the most talented undergraduates can simply no longer afford to come to the Bar to take on publicly funded work. I have no doubt that this will have irreversible consequences for the operation of the justice system further down the line. In the interests of justice the Government must now stop and consider the long term consequences of the reduction in funding.'*

A copy of the discussion paper can be found at: [barcouncil.org.uk/news](http://barcouncil.org.uk/news)

## Quality Assurance

The Ministry of Justice and the Legal Services Commission are developing a quality assurance scheme for publicly funded advocacy. The scheme is to be piloted later this year. At the moment it only relates to criminal defence advocacy, but if adapted is expected to be extended to cover civil and family advocacy. A collaborative working group has been set up which includes the Solicitors Regulation Authority (SRA). SRA strategic statement of purpose is *'to set and secure in the public interest standards of procedure and professional performance necessary to ensure that clients receive a good service and the rule of law is upheld'*. The first step for the working group is agreeing a uniform competency framework. Aligned to a competency framework will be an agreed set of levels against which assessments will take place.

A paper on *'Assuring and Improving Quality in the Reformed legal Aid System'* was published in December 2007 which looked at Peer Review, Accreditation and the Specialist Quality Mark. A working group has been set up and will report no later than 31st October when it will publish a report setting out its considerations, findings and recommendations. A second group is looking at how to improve the current Contract Compliance Audit.

## Providers Reference Groups

The LSC is setting up regional providers reference groups. The aim is to create a formal channel for two-way communication with contract holders and the LSC. One of the tasks is to help the LSC develop good practice in implementing change.

The aim was to hold initial meetings in February followed by meetings in June and October. These seem to be important meetings - **are you involved ?** From the website we see that standard agendas include support needs and access to advice for victims of domestic violence.

In minutes of the South and West region meeting, a report was given of the proposed programme of support. A Provider Tool Kit was proposed including Cash Flow Tools, a website solely for providers, and an IT Consultancy Team to assist on the effective use of IT, as well

as seminars. Two key issues were identified at the meeting: the simplification of the data reporting forms and the introduction of meaningful outcome codes.

The discussion paper on domestic violence advice listed current activities being carried out by the LSC. As well as improving information, the LSC want to contract with providers who specialise in domestic violence issues. To this end, they are developing a contracting strategy to increase the availability of face to face and telephone domestic violence advice alongside support services. The group discussed what incentives the LSC could give to providers. One of the ideas was a simpler contract application procedure and the LSC to support providers in organising informal duty solicitor panels.

**To join a regional providers group, contact your regional office.**

### Public Law Strategic Support

The Public Law Project (PLP) has been awarded a grant by the Community Legal Service (CLS) for an innovative project to assist advisers in resolving systemic local problems with public authorities. This project, 'Public Law Strategic Support', runs for three years from April 2008 to March 2011.

#### How PLP can help you

For each issue PLP will offer tailored in-house training, provide materials such as standard letters for advisers to use, and provide a back-up telephone consultancy service to assist in individual cases. PLP will help local organisations develop a strategy for the most proportionate dispute resolution process to be deployed and where appropriate run test case judicial review litigation, or take sample cases to the Ombudsman.

#### Getting results

PLP aims to eliminate the unlawful practices of the public body in question, benefiting not only the clients of the agencies concerned, but also many others that have not sought advice for one reason or another. Furthermore, the advisers themselves will be more aware of public law principles, and the techniques to be deployed in such circumstances, and will be able to apply them in other contexts and settings in the future,

thus assisting future clients that have fallen victim to the systemic failures of a public authority.

#### Get in touch

Advisers who would like assistance dealing with a particular local issue should contact Clare Collier at [c.collier@publiclawproject.org.uk](mailto:c.collier@publiclawproject.org.uk) or call 020 7697 2197. 'We are very interested in hearing about any issues that you think might be suitable for strategic support.'

PLP also offers free specialist advice and assistance to lawyers and advisers with any public law matter, including support with individual casework. The telephone advice line is open on Mondays to Fridays from 10.00 a.m. to 4.00 p.m. Website: [publiclawproject.org.uk](http://publiclawproject.org.uk)

#### Specialist Support

The following have been awarded contracts from the LSC to provide national specialist support services:

Community Care 0845 140 5006	Pubic Law Solicitors
Debt 0808 808 2575	Citizens Advice Specialist Support
Employment 0808 808 3681	Citizens Advice Specialist Support
Immigration 0207 993 7777	JCWI 0845 602 1020 Garden Court Chambers
Mental Health 0844 800 3364	Scott-Moncrieff, Harbour and Sinclair
Public Law 0808 808 4546	The Public Law Project

#### English Support Services

Housing 0844 515 2113	Shelter
Welfare Benefits 0845 612 8007	Child Poverty Action Group

#### Welsh Support Services

Housing 0845 602 3449	Morgans and Shelter Cymru
Welfare Benefits 0845 271 3230	London Advice Services Alliance

## From the Director ...



Julie Bishop, LCF Director

## New Staff at LCF Office

New project funding, including '*Working Together for Advice*' funds from The Big Lottery, has allowed LCF to recruit a number of new staff to work directly with Law Centres.

In May, we welcomed **Myles Kunzli** as the Development Consultant for London Law Centres and **Cathy Gallagher**, the Development Consultant for the North. Both Myles and Cathy bring years of experience of working in the NfP and Advice sector both in the UK and Australia. Cathy and Myles are energetic, full of ideas and keen to work with each of the Centres in their region.

Stella Russell will continue as a Development Consultant but with a more targeted region of the South. LCF thanks Stella for her dedication and efforts with all regional Law Centres over the last few years.

In June, LCF welcomed **Jennifer Ball**, formerly of Camden Community Law Centre, who has been appointed as the Training and Conference Consultant. Jennifer will work alongside Minaxi Panchal who was recently reappointed as the National Training Manager. While Jennifer has lots of Law Centre experience she is keen to work at a national level and LCF are eager to make use of her many skills.



Finally, LCF has appointed **Nimrod Ben-Cnaan** as the Office Manager. Nimrod will have responsibility for the LCF's internal administration. Nimrod is new to Law Centres but has experience in the NfP sector here and overseas.

The LCF will shortly be sending a sheet to each Law Centre that will list each staff member, their responsibilities and their contact details.

## 2008 Annual Conference

The 2008 Law Centres Annual Conference and AGM will be held in the East Midlands region on the **21st and 22nd of November**. The Conference will be focusing on the future for Law Centres. This focus will also explore the opportunities for Law Centres to work more directly with other Government programs and the possibility of funding from these Programs.

We invite you to send proposals for papers and workshops as well as ideas for speakers to be invited. **Please send your proposals to [Jennifer@lawcentres.org.uk](mailto:Jennifer@lawcentres.org.uk)**

Full conference details will be circulated shortly. Clear your diary and plan to participate. It is a time of change for Law Centres. By working together and planning together we can create the future we want for Law Centres.

## Public Legal Education

As discussed later in the newsletter, LCF is working on three projects with Law Centres around public legal education. As well as this work, LCF has been invited to join the PLENet Steering group and the Director will participate in the Minister's PLE Advisory Group. We are pleased to be offered these positions as Law Centres have considerable expertise in the development and delivery of public legal education. We hope to draw on this expertise and have it reflected in the work of these two groups. Visit: [plenet.org.uk](http://plenet.org.uk) to get involved.

## Networking, Liaising, Lobbying

At a time of shrinking Local Authority funds and the legal aid fixed fee regime hitting heavily on Law Centres, the work of the LCF has been focused on both supporting Law Centres and working with other organisations to try to mitigate the impact. Our focus is also to work to shape the future for Law Centres.

Consequently, over the last two months the Director has participated in numerous meetings and events and met with a number of Law Centres and their staff.

LCF has had a further meeting with Lord Hunt and another is scheduled for mid June. These meetings discuss the impact of the changes to legal aid on Law Centres as well as future funding for Law Centres, including the possibility of funds from other Government programmes. LSC and Ministry of Justice staff also attend these meetings.

In addition to working with the Law Society on the future of legal aid services, LCF is engaging more actively with the Bar Council. We recently attended an All Party Parliamentary Group on Legal and Constitutional Affairs organised by the Bar Council. Speakers included Carolyn Regan from the LSC standing in for Lord Hunt, Tim Dutton QC, chair of the Bar Council and two young women barristers who presented emotional evidence of the hardship being created by the reforms to legal aid procurement.

The LCF is liaising regularly with our colleagues at all levels at Citizens Advice. The Director recently met with David Harker, Chief Executive of CitA, to discuss potential joint projects. We share similar concerns on the development of CLACs and will continue to work together on this.

One of the most interesting events attended in May was the presentation of the interim findings of the research being done by AdviceUK called 'Radical Advice'.

A report will be launched later in the year but the interim findings indicate that a system that has targets as its main driver creates a system that encourages cheating rather than one directed at quality outcomes. Compelling evidence was presented that showed an example from housing where targets were always met but more homelessness was resulting. Removing targets as the main accountability from the system resulted in better customer service, faster responses and more successful outcomes.

Of all the meetings attended, the most valuable continue to be those with Law Centres such as the recent North West Law Centres' Regional Forum. **Please continue to contact me with any request or comment.**

(0207 428 4402 or Julie@lawcentres.org.uk)

## Law Centres News

### Vulnerable Workers



This spring, 32 Law Centres took part in an important piece of research carried out by the TUC's Commission on Vulnerable Employment (CoVE). The report, 'Hard Work, Hidden Lives' was launched on 8th May by Brendan Barber, General Secretary of the TUC.

On 4th June the report and its findings were presented to the Prime Minister. He said that the government was *'giving positive consideration to its recommendations and was strongly committed to working with the TUC, employers and others to tackle the issues highlighted'*.

The report found that ignorance of rights at work and a lack of access to employment rights advice, made worse by recent changes in the funding regime, were key problems for the two million vulnerable workers in the UK. 'Vulnerable workers have great difficulty in getting the specialist support they need - even if they are persistent, they will in many areas only get advice about their basic rights but not the ongoing support they need to enforce them. Many areas of the country are employment rights advice deserts.

*'Vulnerable workers prefer face-to-face advice, and are less confident about telephone advice and information, finding it harder and more time-consuming to resolve problems in this way. But those who could provide this advice - particularly solicitors, voluntary advice providers and union groups - are often without the resources to meet demand.'*

Legal aid reform has made it harder for some employment advisers to access funding, and has led to a reduction in the number of solicitors taking on employment advice work. Between 2001 and 2006 there was a 46 per cent drop in the number of employment law providers undertaking legal aid work, and since 1997 there

has been a real terms drop in civil legal aid spend of around 24 per cent.

The Commission recommends:

- \* A continuous national social marketing campaign to increase awareness of employment rights across the workforce, but particularly among vulnerable workers.
- \* Training in employment rights for public sector staff who come into contact with vulnerable workers.
- \* A statutory duty on local authorities to provide sustainable funding for employment rights advice services, accompanied by an increase in central Government funding for employment rights provision.
- \* Commitments from unions and employers to fund employment advice and community groups working with vulnerable workers.
- \* An urgent review of the impact that legal aid reform has had on the availability of employment advice for vulnerable workers.
- \* A new Fair Employment Commission, involving employers, unions and civil society groups to co-ordinate the work of enforcement agencies, monitor awareness of employment rights and make recommendations to Government.

The Commission also calls for more resources for enforcement agencies, far more co-ordination of their work - part of the brief of a new Fair Employment Commission - and for a range of relatively straightforward money based rights to be enforced by an agency such as the minimum wage enforcement unit of HMRC, rather than require individuals to take tribunal cases.

TUC General Secretary and Commission Chair Brendan Barber said, *'It's a national disgrace that in 2008 Britain still has two million vulnerable workers. What makes their position worse is that many do not know when their employer breaks the law, and can't find anyone to advise or represent them even if they do seek advice. That is why we are calling for more*

*funding for advice agencies, joined-up work from enforcement agencies with wider remits and for loopholes in employment law, particularly the abuse of employment status by employers who refuse to provide contracts of employment, to be closed.'*

**John Fitzpatrick**, Chair of the Law Centres Federation, said: *'The Law Centres Federation welcomed the findings of the Commission on Vulnerable Employment's report. The findings highlight the increasing difficulty for vulnerable people with complex personal needs to get the specialist help they need for their legal problems.'*

*'The findings also indicate that workers are being denied their rights because legal aid is not always available and there are insufficient providers of employment advice to meet a growing need. As well as unfair dismissals, pay, and contractual rights, discrimination is an increasingly common complaint with few advisors able to assist. New publicity on rights under all the strands of discrimination, is increasing the demand for assistance in this area. The research indicates that unless action is taken, new rights will never be realised, and the system will fail to meet the needs of those most vulnerable and excluded in society.'*

*'Law Centres have the expertise to provide these services and a proven record in effective delivery to vulnerable and disadvantaged people. The findings show that the legal aid reforms are, in effect, limiting the ability of Law Centres to provide the best service to those most in need.'*

Our thanks to all employment workers in Law Centres who gave their time to help with this important piece of research. It was an excellent response.

You can read the report by visiting: [vulnerableworkers.org.uk](http://vulnerableworkers.org.uk) or by going to 'Research' under 'Publications' on the LCF website.

Here you will also find a chapter on 'Increasing Awareness and advice' which includes a section on 'The impact of Legal Aid Reform'.

## Sheffield Law Centre

Sheffield Law Centre has won a record £5,000 for their client for disability discrimination. On 26th March, District Judge Weston, sitting at Kingston-upon-Hull county court, awarded a record £5,000 damages for disability discrimination against a golf club proprietor and former councillor.

Mr Langdon, who uses a wheelchair, attended a family celebration at Sutton Park Golf Club in Hull. Unfortunately for him and his family, their evening was spoilt by the limited access to the club and in particular to the toilets. This resulted in extreme humiliation and embarrassment for them.

**Douglas Johnson**, Disability Rights Worker at Sheffield Law Centre said,

*‘The Disability Discrimination Act was passed into law in 1995 but there have been very few cases where disabled people have enforced their complaints against service providers in the county court. The compensation awarded recognises the humiliation Mr Langdon went through on that evening and sends a clear message to service providers that disabled people can and will bring complaints to court where they suffer unlawful discrimination.’*

**Christopher Cole**, Chair of Sheffield Law Centre, said,

*‘This is a very good example of Law Centres developing equalities work and bringing cases of real benefit to people. It should now encourage businesses to improve their access to the public.’*

This case represents the highest level of compensation to date for a case brought under Part 3 (non-employment cases) of the Disability Discrimination Act 1995.

For further information, please contact Douglas Johnson, Disability Rights Worker on 0114 273 1501 or e-mail [Douglas@slc.org.uk](mailto:Douglas@slc.org.uk)

## Law Centre (Northern Ireland)

Law Centre (NI) recently won an important Industrial Tribunal case establishing the rights of fixed-term workers who are affected by the Review of Public Administration. The Tribunal

decided that the Western Health and Social Care Trust had discriminated against one of its employees because he worked on a fixed-term contract.

Tony Meenan, a Clinical Network Manager, had a two year contract with the Trust. He was barred from applying for another position with the Trust because he was not a permanent employee. Because of the Review of Public Administration, the Trust had to reduce the number of people it employs. It was trying to minimise compulsory redundancies among its permanent employees. In this context, the Trust argued that a temporary bar on fixed-term employees applying for permanent posts was justified.

The Industrial Tribunal disagreed and found that the discrimination was not justified.

**Caroline Maguire**, Tony Meenan's solicitor at the Law Centre, warns that this type of discrimination may be happening in other organisations and not only those affected by the Review of Public Administration.

*‘The Law Centre welcomes this decision. To date, there have been few instances where employees have successfully been able to show discrimination arising from their fixed-term status’* said Ms Maguire.

*‘There may be circumstances when an employer can justify treating a fixed-term employee less favourably than a permanent one. However, an employer who discriminates against its fixed-term employees on the assumption that its permanent employees are entitled to more favourable treatment runs a real risk of breaking the law.’*

She added: *‘We hope that this case will encourage other fixed-term employees who feel they have suffered discrimination to seek advice.’*

### Management Committees

If you would like a copy of Networking sent to your home address, please let Nimrod know. His email address is: [Nimrod@lawcentres.org.uk](mailto:Nimrod@lawcentres.org.uk)  
Alternatively, you can always view and download a copy from the LCF website: [lawcentres.org.uk](http://lawcentres.org.uk)

## Equality News

### Equalities work at the LCF



Flora Williams  
LCF Equality and Diversity  
Manager

The LCF has been able to create a new post, 'Equality and Diversity Manager' with funding from the Big Lottery Fund. With these funds we were delighted to employ **Flora Williams** who took up her post in January. Flora has a lot of experience having previously worked with AdviceUK and Age Concern on equality issues. She is taking the lead in the 'Developing Discrimination Advice' worksteam which is one of eight workstreams funded by the Big Lottery.

The project is part of the 'Working Together for Advice' project which is being run by the Advice Services Alliance. This is a major initiative, which for the first time involves the legal and advice networks formally working in partnership.

With the establishment of the Equality and Human Rights Commission last October, this funding is especially welcome and will help LCF develop and support the valuable equality and human rights work being carried out in Law Centres. This is a two year project and will be divided into work with the EHRC on the development of a national strategy for the development of equality and human rights legal and advice provision, and practical help to develop skills in both casework across the equality strands, and public legal education on the ground.

To make sure that the best is gained from the project, we are asking Law Centres to let us know what support they need. A short questionnaire was circulated in May asking what resources and training is needed.

Flora said. *'We hope as many people as possible are able to respond. We very much appreciate how short of time you all have but would appreciate this input so that we can get things right.'*

The aims of the 'Developing Discrimination Advice' project includes the development of referral systems, the development of a national discrimination advice training strategy, training materials and the production of good practice guides.

### Public Awareness

LCF's focus on equality and human rights was recently boosted by a one year grant from the Equality and Human Rights Commission. This enhances the activities above by providing assistance with local Law Centre provision of public legal education on equality issues. Our work will include working with Advicenow who have just launched a new public legal education (PLE) website with funding from the Ministry of Justice. It gives access to a wide range of information about PLE, as well as providing a contact point, forum and news about PLE projects, events and other developments. The website address is: [plenet.org.uk](http://plenet.org.uk).

Several Law Centres got funding from the Equality and Human Rights Commission this April to fund PLE Projects. One of these was Newcastle Law Centre who received a grant to deliver presentations, information and training to groups, organisations and agencies who work with related legal issues as well as equality related casework services. **George Vickers**, Newcastle Law Centre Manager said:

*'We are delighted to receive the grant from the EHRC. The funds will enable the Law Centre to continue to play a key role in raising awareness of discrimination and to offer free legal advice and representation to people in Tyne and Wear who feel they have been discriminated against and would not otherwise have access to such services.'*

Twenty six Law Centres were awarded grants under the EHRC's 2008/09 grant scheme. Some focused on employment advice or advice on goods and services, but many showed that Law Centres were branching out and are now providing advice across all the equality strands.

The LCF will be providing support to the Law Centres in receipt of these funds and will be helping co-ordinate the LCF response to the EHRC consultation on their grants strategy for legal and advice in the future.

Flora has also been working with the other advice networks on a European Union funded national awareness raising project, 'Progress towards Equality' which has involved the organisation of regional conferences. LCF has put in an application to the second round of Progress for funds for Law Centres to help develop their public legal education initiatives. We will keep you posted.

If you would like to discuss any of the above, please contact Flora on 020 7428 4410.

### **isthatdiscrimination.org.uk**

As well as hosting the new Public Legal Education Network website, PLENET ([plenet.org.uk](http://plenet.org.uk)), Advicenow has set up: [isthatdiscrimination.org.uk](http://isthatdiscrimination.org.uk) as part of its role in an European Union funded partnership project. The campaign aims to raise awareness of discrimination through public information and outreach work as well as bringing advice agencies together to share experience and help advisers recognise and deal with discrimination problems.

The Law Centres Federation is part of the project along with Citizens Advice, AdviceUK, Advice Northern Ireland, Citizens Advice Scotland and the British Institute of Human Rights. The campaign will run until the end of the year and there will be lots of ways to get involved.

[Isthatdiscrimination.org.uk](http://isthatdiscrimination.org.uk) is the national focus for the campaign and includes an interactive problem page, case studies, news stories and information on all types of discrimination. We're keen to get as much input as possible, either from Law Centres, individuals or other organisations. Check out the site and feel free to write in with your stories, problems and comments.

More content will be added over the coming months so remember to keep checking back - [Isthatdiscrimination.org.uk](http://Isthatdiscrimination.org.uk).

### **Sex Discrimination and Harassment: Service Delivery**

The rules on sex discrimination in the provision of goods, services or facilities are finally starting to catch up with the rules on discrimination in employment. From 6th April 2008 the following are unlawful:

- \* indirect discrimination in provision of services on grounds of sex (direct discrimination has always been unlawful);
- \* direct discrimination in provision of services on grounds of gender reassignment unless, in relation to communal accommodation or services limited to one sex for propriety or privacy, such discrimination is a proportionate (appropriate) means of achieving a legitimate aim, or in relation to participation in sport or other competitive activities such discrimination is necessary to ensure fair competition or the safety of competitors;
- \* direct and indirect discrimination in provision of services against a woman on the basis of pregnancy or because she has given birth within the previous 26 weeks, unless the service provider believes that the service would pose a risk to the woman's health or safety and the service provider has an equivalent policy for people with other physical conditions;
- \* harassment in provision of services or premises on the basis of sex.

None of the above rules apply at a place occupied or used for the purposes of an organised religion, where the goods, services or facilities are not normally provided on a commercial basis.

The provisions of the Sex Discrimination Act 1975 allowed charities to be set up to provide benefits to one sex, and allowed voluntary organisations to restrict membership and the services provided to members to one sex. Such restriction on services is now lawful only if it is a proportionate means of achieving a legitimate aim.

*Our thanks to Sandy Adirondack for this update.*

## Sexual Orientation

The Criminal Justice and Immigration Act which has just received Royal Assent, and has introduced a new criminal offence of incitement to hatred on the grounds of sexual orientation. However, it has been noted that the Act provides for a defence of freedom of expression.

## Equality Bill

In May, in the government's draft Queen's Speech, a commitment was made to produce a Single Equality Bill. Trevor Phillips, chair of the EHRC said, *'The big challenge will be to ensure that the Equality Bill is a fairness act... We need simpler legislation that guarantees everyone's right to achieve their potential and helps good employers recruit and get the best from the widest pool of talent... Fairness is a social good and a British value - but more than that, it is an economic necessity....'*

Charles Pigott from Mills & Reeve writing in the New Law Journal identified several problems that will need to be thrashed out. These include equal pay, discrimination by association and the definitions of harassment. He reports that a draft Bill is expected in the summer in preparation for legislation in the autumn.

## Bringing People Together

The Equality and Human Rights Commission published their business plan for 2008/09, 'Bringing people together' in May. They have listed four strategic priorities:

- \* Analyse, define and target key equality and human rights challenges
- \* Change policy and organisational practice to provide better public services alongside an efficient and dynamic economy
- \* Engage, involve and empower the public, especially people from disadvantaged communities and areas
- \* Anticipate social change, develop new narratives and reach new audiences in ways that strengthen equality and human rights.

The EHRC are committed to work with others to narrow equality gaps, break down barriers between communities and tackle the root causes of prejudice and intolerance. Their integrated remit gives the Commission responsibility for promoting equality in the areas of age, disability, gender, gender reassignment, race, religion or belief and sexual orientation, together with the promotion of human rights. They say, *'This unique mandate enables us to work in new ways, dealing with multiple and complex forms of discrimination bringing together issues of equality and human rights. We will combine a traditional emphasis on anti-discrimination and legal enforcement with a focus on changing culture'*.

A number of overarching themes have been devised as a guide for developing policy. These are:

- \* Narrowing the poverty gap and reducing social exclusion
- \* Narrowing the caring gap and ensuring that care reforms promote equality and human rights
- \* Narrowing the opportunity gap and increasing social mobility among disadvantaged groups
- \* Narrowing the power, inclusion and integration gap to strengthen good relations by forging greater understanding between communities

The third theme will include publishing a guide to promote integration in the workplace and launching a best practice website for employers to help them promote equality and diversity by adopting practices such as flexible working. The Commission will also commission and publish research on what workers over 50 expect from work and life.

Twelve key delivery targets have been selected for 2008/09. This includes influencing the creation of the Equality Act. *'We will develop a constitutional guarantee of equality to influence the drafting of the new legislation'*.

## Human Rights Inquiry

There will be a public inquiry looking at attitudes to human rights and how widely the Human Rights Act is being used. Law Centres have already been invited to take part in the review. The Equality and Human Rights Commission are commissioning research into:

- \* Evaluating the impact of selected cases under the Act on public service provision
- \* The impact of human rights culture on public sector organisations: the lessons of good practice, and
- \* The role and experience of inspection and complaints bodies in promoting human rights standards in public services.

The Inquiry was launched on 21st April and they expect it to be completed by December. A form is available on the Commission's website: [equalityhumanrights.com](http://equalityhumanrights.com) where you can record your experiences. The deadline for responses is **21st June 2008**.

## Mental Health

### Legal Aid

Job Robins, LAG's director of campaigns asks whether publicly funded mental health law is heading for a collective breakdown.

The Mental Health Lawyers Association has predicted that the new fixed fee regime will *'rapidly accelerate the departure of experienced practitioners from the field to the point where there will be a complete collapse of representation in some, if not large, parts of the country.'*

The newly formed Civil Consultative Group is to review the provision of mental health advice, however we cannot expect any changes before 2010 according to Patrick Reeve, head of civil strategy at the LSC. The question will be whether it will be possible to replace specialist firms and acknowledged experts once they have left the field.

## Tribunals

### New First and Upper Tier Tribunals

In May, the Ministry of Justice announced that on 3rd November 2008, a new simplified two tier tribunal system will be introduced - a First Tier Tribunal and an Upper Tribunal.

As part of the implementation of the Tribunals Court and Enforcement Act, five First Tier Tribunals Chambers and three Upper Tribunal Chambers will be taken forward. Chambers in the First Tier include Social Entitlement and Health, Education and Social Care, one of the three Upper Tribunal Chambers is for Administrative Appeals.

### ET and EAT

The Ministry of Justice has said that the Employment Tribunal and the Employment Appeal Tribunal will be separate from the First Tier and Upper Tier, *'although there will be close links between them'*. They add that the government is considering bringing the Asylum and Immigration Tribunal into the unified tribunals structure and is likely to consult on this shortly.

The Upper Tribunal will be a Superior Court of Record that can deal with onward appeals and judicial reviews.

The Act created a 'Tribunal Procedure Committee' which was established on 19th May. The Committee will make and amend rules governing the practice and procedure in the two new Tribunals.

A consultation about the rules, 'First Tier Tribunal (Social Entitlement Chamber) Rules 2008 has been published with a closing date of 11th July. One the proposals is to transfer to the Social Entitlement Chamber, four of the current tribunals: Social Security and Child Support Appeal Tribunals, Pension Appeal Tribunal, Asylum Support Tribunal and the Criminal Injuries Compensation Appeals Panel.

They add that the Gender Recognition Panel may also join the Chamber at a later date.

## Environmental Law

*'May 2008, might prove to be just as much a landmark month for environmental law as May 68 was for Parisian radicals, albeit rather more sedately, and with the existentialism of Sartre and de Beauvoir replaced by the wig and gown of a High Court judge.'*

In a Report published this month, a working party chaired by the Hon Mr Justice Sullivan has declared that changes must be implemented in the court rules on costs that effectively prevent individuals and groups from bringing legal challenges to environmental decisions, if the UK is not to breach the Aarhus Convention.

The Aarhus Convention entered into force on 2001 and was the culmination of international negotiations on securing access to justice for individuals and groups seeking to protect the environment. It closed a decade which saw the passing of much promising legislation and the establishment of projects such as the Environmental Law Foundation and the LCF's own environment project.

However, time and again communities have found their way to court barred not by the fees of their own lawyers, many of whom have been willing to act pro bono, but by the risk of having to pay tens, even hundreds of thousands of pounds towards their opponents' legal costs.

The Sullivan Report recognises that this offends against the Aarhus principle that environmental litigation should not be 'prohibitively expensive', and recommends, while not removing the risk of paying something, that individuals should not have to risk financial ruin when standing up for their communities against unwanted development or toxic pollution.

*Our thanks to John Dunkley from EarthRights for this important news*

John runs EarthRights' Essex office where he is in partnership with Charlie Hopkins who helped set up the Environmental Law Foundation.

**EarthRights** specialises in all aspects of public law, and in particular on environmental issues - advising and representing individuals and campaign groups on all stages of planning applications and public inquiries (including compulsory purchase inquiries), judicial reviews, and statutory challenges in the UK.

John ran the LCF's **Environmental Law Project** where he produced educational materials for advice workers and campaigners on environmental law and organised a series of workshops throughout the country, culminating in a major conference on public interest environmental litigation.

John is based at EarthRights' Essex Office at CAB Building, Barnards Yard, Saffron Walden, Essex CB11 4EB. Tel/Fax: 01799 526502  
Visit: [earthrights.org.uk](http://earthrights.org.uk) for more information.

---

## Employment News

### **Agency Workers**

On 20th May, the Department for Business, Enterprise and Regulatory Reform (BERR) agreed a deal between unions and employers that will see agency workers in the UK receive equal treatment after 12 weeks employment.

The Government believes this deal can pave the way to reaching agreement in Europe on an agency workers directive that secures this flexibility for the UK.

Agreement has been reached on the following points.

- (a) After 12 weeks in a given job there will be an entitlement to equal treatment.
- (b) Equal treatment will be defined to mean at least the basic working and employment conditions that would apply to the workers concerned if they had been recruited directly by that undertaking to occupy the same job. It will not cover occupational social security schemes.
- (c) The Government will consult the social partners regarding the implementation of the Directive more generally, in particular:
  - (i) mechanisms for resolving disputes regarding the definition of equal treatment and compliance with the new rules that avoid undue delays for workers and unnecessary administrative burdens for business;

- (ii) appropriate arrangements to enable the two sides of industry and also public services to reach appropriate agreements on the treatment of agency workers, while respecting the overall protection of agency workers; and
  - (iii) appropriate anti-avoidance measures reflecting Art 9 (2), in particular relating to the treatment of repeat contracts for the same worker and the position of workers with permanent contracts of employment with agencies who continue to be paid between assignments; it is not intended that article 5 (2) will be used to evade the aims of the Directive.
- (d) The new arrangements will be reviewed at an appropriate point in the light of experience.

The Government will now engage with its European partners to seek agreement on the terms of the Agency Workers Directive that will enable this agreement to be brought into legal effect in the United Kingdom. The Government hopes that EU agreement will be obtained in time for the necessary UK implementing legislation to be introduced in the next parliamentary session.

### Statutory Dismissal, Disciplinary and Grievance Procedures

ACAS has launched a consultation on a new Discipline and Grievance Code.

The Employment Act 2002, that was responsible for bringing into force the statutory dispute resolution procedures, has led to a raft of case law and a great deal of uncertainty for employers and employees alike. Tribunal claims have risen from around 86,000 in 2004/2005 to around 132,500 in 2006/2007 and the majority of such claims include allegations about a failure to follow the procedures.

The Employment Bill, expected to be introduced in April 2009, will abolish the statutory procedures and, in its place, will allow any tribunal to increase or reduce any award made by up to 25% if the employee or employer has unreasonably failed to comply with any provision

in the ACAS Code on Discipline and Grievance. The Bill will also give extended powers to ACAS to be involved from the outset of disputes and to try to prevent them from reaching a full hearing at the tribunal. One of the changes is the absence of any requirement for an employee to raise a grievance in writing if they wanted to bring a claim at a later date.

Pat McFadden, minister for employment relations, said that the new code is a key element in the government's plans to streamline and simplify the dispute resolution system. *'It will complement the removal of statutory measures by establishing flexible, principle-based guidance to help resolve disputes early'*.

The consultation will close on **25th July 2008**.

### Sex Discrimination

The Sex Discrimination Act 1975 (Amendment) Regulations 2008 came into force on 6th April 2008. They make a number of amendments to the Sex Discrimination Act 1975:

- \* The definition of harassment changes from being where a person subjects a woman to harassment *'on the ground of her sex'* to *'related to her sex or that of another person.'* Therefore a complaint of harassment under the Act no longer has to be on the ground that the complainant is a woman (or man). The change of definition means the unwanted contact need not be directed at the complainant. The complainant could be a witness to another person being harassed.
- \* The new definition of harassment applies to the SDA provisions on the exercise of public functions and the public sector duty to promote gender equality.
- \* An employer who fails to take reasonably practicable steps to protect employees from third-party harassment related to sex will be treated as himself subjecting the employee to harassment where the employer knows that such harassment has occurred on at least two other occasions. Though three occasions of harassment are required, it need not be the same person causing harassment on each occasion.

The regulations remove the requirement of a non-pregnant comparator where a woman claims less favourable treatment on the ground of pregnancy or maternity leave.

The regulations introduce changes relating to terms and conditions during maternity leave namely:

- \* non-payment of a discretionary bonus during compulsory maternity leave will be discriminatory;
- \* non-pay benefits must now continue to be provided during AML as well as OML.

This does not only affect benefits such as health insurance but means that AML should be counted for the purposes of accruing contractual annual leave and continuity for benefits based on length of service.

## Time to Train

On 14th May, the government announced that they would be introducing a new legal right for employees in England to request time to train. It is expected that this will be included in the Education and Skills Bill which is anticipated to come into force in 2010, along with new personal Skills Accounts.

## Extending Flexible Working

John Hutton MP has accepted recommendations made in a review of how to extend the right to request flexible working to parents of older children, by Imelda Walsh. The review was published in May 2008. The change to the regulations will mean that all parents with children under the age of 16 will have the right to request flexible working patterns.

*We hope to hold an Employment Working Party meeting shortly - watch out for further news....*

---

## Welfare Benefits News

### Child Maintenance and Other Payments Act

The Bill has now received Royal Assent. It will abolish the requirement that parents with care in receipt of certain benefits being treated as having applied for a statutory maintenance arrangement, establish a new Child Maintenance and Enforcement Commission (CMEC), and put in place improved

arrangements for the assessment, collection and enforcement of child maintenance liabilities.

### Tax Credits

The Treasury and HMRC have published a discussion paper on tax credits, *'Tax Credits: Improving Delivery and Choice'*. The paper looks at the Child Tax Credit and the Working Tax Credit. The government is looking at agreeing an improvement strategy which will:

- \* tailor support more closely to individuals' needs
- \* give claimants more certainty about their entitlement, and more choice about how they are paid
- \* in the long-term, reform the way in which tax credits support childcare.

### Working Tax Credits

The government has asked for views on copying the New Zealand system, where a claimant's tax credit entitlement is based on a table that puts income in a series of bands, and it is assumed that their income is at the top of the relevant bands. At the end of the tax year, the final assessment is based on the claimant's actual income. The government has also asked for views on the introduction of new 'run-ons' where entitlement continues for a certain number of weeks after circumstances have changed.

Government intends to try to offer claimants with overpayments the option of repaying them through the PAYE system. HMRC also plans to offer the option of repayment through a lump sum.

### Childcare

Instead of requiring families to calculate how much they will spend on child care, the Working Tax Credit could repay a claim based on how much was actually spent in the last month. A simpler method is also suggested, which would base entitlement on how much was actually spent in the last school year. The introduction of childcare vouchers is also included.

A review, *'The Mirrlees Review'* funded by the Nuffield Foundation and ESRC was published in April. It argues for a complete overhaul of the tax credit and benefit system and the introduction of

an *'Integrated Family Support'* programme. Copies can be found on the Institute for Fiscal Studies website: [ifs.org.uk/mirrleesreview](http://ifs.org.uk/mirrleesreview).

## Local Housing Allowances

Local Housing Allowances were introduced nationally on 7th April. They are a new way of working out housing benefit for private tenants. The LHA rate is based on the number and mix of occupiers, and the area in which the tenant lives.

## Extended Payments

Regulations were made in April 2008 to extend the operation of the housing benefit and council tax benefit extended payment scheme. The changes come into force on 6th October 2008.

The extended payment provisions allow claimants to continue to receive benefit for four weeks after moving into work despite their underlying entitlement having altered as a result of increased income. They are described by the DWP as a 'work incentive'.

## Time to claim benefits changes

The Social Security Advisory Committee published a consultation in April where they sought views on changing the Social Security (Miscellaneous Amendments) Regulations. The proposals would have the effect of:

- \* Reducing the time for claiming Pension Credit, Housing Benefit and Council Tax Benefit for persons who have attained the qualifying age for Pension Credit **from the current 12 months, to a period of 3 months;**
- \* Reducing the backdating period in Housing Benefit (HB) and Council Tax Benefit (CTB) from the **current 52 weeks to 3 months** for those who have not attained the qualifying age for Pension Credit;
- \* Allowing Pension Credit recipients to retain entitlement whilst temporarily absent from Great Britain for up to 13 weeks.

The changes will take effect from 6th October 2008.

Citizens Advice has said that some of the most vulnerable people in society could end up facing homelessness if the government presses ahead with these plans to cut housing benefit entitlement.

It warns *'that being able to backdate housing benefit up to 12 months is vital to prevent eviction and homelessness by enabling tenants to pay off rent arrears which are often caused in the first place by problems with a housing benefit claim. Because claimants must show 'good cause' for not having made their claim earlier, backdating is targeted only on the most vulnerable claimants who most need personal support to help them cope, for example those with serious mental health problems.*

*'Being able to backdate benefit for up to a year is also a valuable tool in increasing housing benefit take up, which official estimates put at only 50% for people in work who are eligible. It ensures that people get money they were always entitled to, but whose vulnerability prevented them making a claim earlier.'*

The consultation closed on 26th May.

## Lone Parents

On 15th May, the Social Security Advisory Committee published a second consultation focusing on lone parents. It proposes making changes to the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008. The key proposals to change the Regulations are:

- \* Starting in November 2008, lone parents with a youngest child aged at least 12 will no longer be entitled to Income Support (IS) solely on the grounds of being a lone parent, and from October 2009 when their youngest child reaches age 10, and from October 2010 when their youngest child reaches age 7.
- \* To amend the Employment and Support Allowance (ESA) Regulations so that lone parents previously on IS with the disability premium do not have to serve the ESA assessment phase and will receive the work-related activity component from the start of their ESA claim.

- \* To introduce transitional arrangements for certain existing lone parents on IS who are also full-time students, completing a full-time course on New Deal for Lone Parents (NDLP) or participating in an approved scheme to continue to claim IS for a limited period.
- \* To amend the existing JSA hardship regime to include lone parents as a vulnerable group.
- \* To introduce mandatory quarterly work-focused interviews (QWFIs) for lone parents in the last year of their eligibility for IS. This will apply to lone parents on IS with a youngest child aged 9 to 11 from November 2008.

Subject to draft regulations, the Government intends to bring the new rules into force on 24th November 2008.

## Job Seekers Allowances (JSA)

The following changes to JSA Regulations apply to all parents on JSA:

- \* To amend Jobseeker's Allowance (JSA) Regulations so that Jobcentre Plus staff must consider whether appropriate and affordable childcare is available when determining whether a person with caring responsibilities in relation to a child had just cause for leaving employment, or had good cause for failing to take up paid employment or to comply with a jobseeker's direction.
- \* To amend JSA Regulations so that Jobcentre Plus staff will have additional flexibilities to enable parents to be treated as available for, or actively seeking, work in certain circumstances.

The closing date for responses is **16th June**.

## Work Capability Assessment

A new Work Capability Assessment is to be introduced alongside the Employment and Support Allowance in October 2008. It replaces the current Personal Capability Assessment. The new Assessment will look at people's physical and mental ability and 'assess *what a person can do - rather than what they are unable to do*'.

## Fuel Poverty

Since 2003, domestic gas charges have increased by more than 90% and charges for electricity in excess of 65%. These statistics are reported by the fuel poverty charity, National Energy Action. The government have turned their attention to how to help those most at risk from fuel poverty. As well as an awareness raising campaigns, the Department for Business, Enterprise and Regulatory Reform (BERR) proposed to **introduce new legislation to enable data-sharing with energy suppliers** 'in order to ensure consumers are on the "best value tariff".'

Energy Minister, Malcolm Wicks said:

*'We've got a commitment from the energy companies now to provide an extra £225 million in social assistance by increasing their investment to £150 million per year by 2011. Now we're working on finding ways to get them the right information to enable them to get that money to those who need it the most.'*

Minister for Pensions Reform, Mike O'Brien acknowledged reservations some may have about the sharing of data, warning that energy suppliers, 'must promise to use the data securely'.

National Energy Action estimate that 4.5 million UK households currently suffer from fuel poverty. They are calling for the reinstatement of the Warm Front Budget, extending the Winter Fuel Payment and mandatory Social Tariffs. They say that the Government must make sure companies offer their poorest and most vulnerable customers their lowest tariff *regardless* of how they pay for their bills.

### Survey on the Availability of Advice

Access to Justice Alliance is collecting evidence about the impact of legal aid changes on clients. They are also asking legal advisers to tell them about their experiences. If possible, could you let them know by 18th July.

A questionnaire is on the Legal Action Group website: [lag.org.uk](http://lag.org.uk)  
(scroll down the page)

AJA's website is: [accesstojusticealliance.org.uk](http://accesstojusticealliance.org.uk)

## **Housing News**

### **Housing Disputes**

The Law Commission unveiled its final proposals on housing dispute resolution on 13th May. The Commission report that at the heart of its recommendations is the suggestion that all those providing housing advice and assistance should develop services based on a 'triage plus' system. This has three elements:

- \* Signposting: providing initial diagnosis of the problem and referral to the best route for resolution
- \* Intelligence gathering and oversight: increasing understanding of how problems arise
- \* Feedback: to improve decision-making and prevent disputes arising.

It is hoped that the Legal Services Commission and local councils take these proposals on board when costing the provision of housing advice in the future.

Of equal importance is the proposal to use other means of resolving disputes, outside of formal adjudication whenever possible. As a first step, the Commission recommends that pilot schemes be established to test the transfer of homelessness statutory appeals and other housing related judicial reviews to the Upper Tier of the new Tribunal Service.

### **Repossessions**

Law Centres have reported a massive increase in repossession cases coming to court. The news was released by Transact, the national forum for financial inclusion in June. Three Law Centre were quoted, Isle of Wight, Harehills and Chapeltown and Sheffield. As a result of this increase, Transact say, *'more and more homeowners are not getting the legal advice or representation they need'*.

At **Harehills and Chapeltown Law Centre** in Leeds, where repossession cases have more than doubled in the last twelve months, staff are having to turn away some homeowners who need help but are not entitled to legal aid. This can have devastating consequences, according to James Williams, the Law Centre's housing solicitor:

*'Someone who gets advice at the door of the court, or no advice at all, is far more likely to see a possession order granted, which takes them a step closer to losing their home,' he says. "If we have time to go through the paper work and gather evidence in advance, we can argue for a realistic repayment schedule, an adjournment of the possession order or even get the case dismissed. But if you go before a judge without someone to speak for you, you are far less likely to get the best outcome.'*

### **Office for Tenants and Social Landlords**

The Office for Tenants and Social Landlords (Oftenant) is a new independent social housing sector regulator created under the Housing and Regeneration Bill, currently before parliament. It will have new sanctions to use where tenants are getting a poor service from landlords, including requiring that landlords pay compensation or in serious cases change their housing manager. Where landlords provide a good service to tenants, the regulator will cut red tape, with no routine inspections and paperwork kept to a minimum. It will initially cover housing associations, but Ministers will seek to extend it to local authority landlords and tenants within two years of it being set up.

### **ECHR landmark ruling on respect for the home**

The European Court of Human Rights delivered a landmark ruling on 19th May which may change the way county courts deal with possession claims. The case centred on the application of Article 8, the right to respect for the home, to a case of a man evicted from a Birmingham council flat after his wife left with their two children.

In *McCann v the United Kingdom* (application no.19009/04), the ECHR said: *'The loss of one's home is a most extreme form of interference with the right to respect for the home... Any person at risk of an interference of this magnitude should in principle be able to have the proportionality of the measure determined by an independent tribunal in the light of the relevant principles under Article 8 of the Convention, notwithstanding that, under domestic law, his right of occupation has come to an end.'*

Andrew Dymond, housing law specialist at Arden Chambers, said the ruling called into question the leading House of Lords judgments, *Qazi v Harrow LBC* [2003] UKHL 43 and *Kay v Lambeth LBC* [2006] UKHL 10, where the law lords backed councils against tenants by narrow majorities of three to two and four to three. He said, *'The real issue is the extent to which people can raise defences based on proportionality in the county court and how the courts deal with that.'*

Gurbinder Gill, solicitor specialising in housing law at Eric Bowes & Co in Shirley, Birmingham, acted for McCann. He said, *'County courts in all possessions claims will have to consider Article 8 rights.'* He added that it would be interesting to see how the Lords dealt with the implications of the McCann case, when giving judgment, expected in the next few weeks, in *Doherty v Birmingham City Council*.

## **Immigration News**

### **Independent Asylum Commission publishes first report**

The first report of the Independent Asylum Commission was published on 23rd May. It is the first of three reports following an 18 month enquiry into the UK asylum system and focuses on two areas: the results of the polling of the public on their views on asylum and the asylum system, and how the UK decides who needs sanctuary.

The polling revealed that people continue to have serious misconceptions around the asylum issue, and that the word asylum in itself has been debased to the extent that it lacks real meaning. They have proposed shifting the focus to 'sanctuary', a term that has more positive connotations.

The report also makes several recommendations on the provision of sanctuary to those seeking it here in the UK. In response, Donna Covey, Chief Executive of the Refugee Council said:

*'Evidence gathered by the Commission shows an asylum system that does not have protection at the heart of its agenda. It has found that even accessing the asylum system is extremely difficult, stringent and punitive border controls*

*making the UK even more unreachable as a safe haven for people fleeing persecution. For those that do get here, decision-making remains poor, and the way the process works is adversarial and does not guarantee a fair hearing.'*

The report, 'Saving Sanctuary' can be found at: [independentasylumcommission.org.uk](http://independentasylumcommission.org.uk)

### **Free health care for failed asylum seekers in Wales**

The Welsh Assembly has agreed that there should be free health care for failed asylum seekers in Wales. Health Minister, Edwina Hart said her decision was the right one and that the mark of a civilised society was how it treated the sick and dying.

The latest decision by Ms Hart comes amid turmoil about the policy in England, where a test case in front of the High Court in April has left the position of failed asylum seekers and their access to the NHS uncertain.

The Department of Health in England is appealing against the ruling in a test case, which said there were some circumstances in which failed asylum seekers could get free access to NHS treatment.

Anna Nicholl, Director of Policy and Communications at the Welsh Refugee Council said: *'We welcome the Assembly's announcement. This gives a clear message that all people in Wales should be treated with a basic level of humanity and will be applauded by the wide coalition of groups who have been campaigning for these changes.'*

*'The NHS embodies the principle that everybody should have the right to access healthcare in the UK, whatever their economic status. The previous system of charging vulnerable people - many of whom are destitute - for healthcare was inhumane, resulting in unacceptable levels of suffering and hardship amongst some of the most vulnerable people in society.'*

#### **Thinking of advertising a job ?**

Law Centres can get cheaper deals when advertising posts by using Ward Diamond. A copy of the details of the scheme are on the members' site of the LCF website. Go to 'Resources' and then 'Advertising' towards the bottom of the right hand list. The LCF plans to update the guidance in the coming months.

## Gay student granted asylum

A gay man who faced the death penalty in Iran has won asylum after protests prompted the Home Secretary, Jacqui Smith, to reconsider his case. Family and supporters of Mehdi Kazemi, now 20, welcomed the decision not to send him back to Iran where his boyfriend was arrested by the state police and executed for sodomy.

Mr Kazemi came to London to study in 2005, but in April 2006 discovered his gay partner had been arrested and named him as his boyfriend before his execution. Fearing he might suffer the same fate if he returned, Mr Kazemi decided to seek asylum in Britain. His claim was refused and he fled to the Netherlands where he also failed to win asylum before returning to Britain last month. In an open letter to the British Government, Mr Kazemi told the Home Secretary: *'I wish to inform the Secretary of State that I did not come to the UK to claim asylum. I came here to study and return to my country. But in the past few months my situation back home has changed. The Iranian authorities have found out that I am a homosexual and they are looking for me.'*

The UK Border Agency has said that it had decided to allow him asylum and had granted him leave to remain for five years. A spokesperson for the agency said: *'We keep cases under review where circumstances have changed and it has been decided that Mr Kazemi should be granted leave to remain.'*

Simon Hughes, the Liberal Democrat MP for North Southwark and Bermondsey, said: *'I am delighted by the Home Office decision that my constituent Mehdi Kazemi can now stay in this country. As I have argued over the last 18 months, the Home Office should not send gay and lesbian people back to countries where they will be at risk of persecution, torture or death.'*

## Government continues to roll-out Points-Based System

Governmental roll-out of the new Points-Based System for UK migration has been in progress during Spring 2008, with the impact on potential and existing migrants becoming increasingly apparent.

### Tier 1

The Statement of Intent for Tier 1, the Highly Skilled Migrants category, was released by the Borders Agency in February 2008. Tier 1 subsumes the previous Highly Skilled Migrant Programme (HSMP) and a number of other entry routes, such as writers and artists, and the investors scheme. It aims *'to attract the most talented migrants who have the most to contribute economically'* to the UK. In order to qualify, migrants must attain points based upon their age, earnings, qualifications, English language ability, funds and experience of work/study in the UK.

Tier 1 assessment criteria have attracted criticism for their potential for direct and indirect discrimination, in particular on the basis of age (particularly if the potential migrant is over 32 years old) and country of origin.

In May, the UK Border Agency said that they will accept a letter from a professional body confirming that a qualification obtained overseas is equivalent to a UK academic level. See their website for details of the requirements: [bia.homeoffice.gov.uk](http://bia.homeoffice.gov.uk)

### Tier 2

The Statement of Intent for Tier 2 was released in May 2008, outlining this tier as an *'employer-led system for skilled migrants with a job offer'*. When Tier 2 is introduced in Autumn 2008, it will allow skilled migrants from outside the European Economic Area (EEA) up to 3 years to work in the UK, provided they have secured a job offer in advance from an approved employer holding a *'sponsorship license'* from UK Borders Agency. Applicable jobs under Tier 2 will be both skilled (NVQ Level 3) and proven to lack suitable workers already based in the UK - established through application of a *'resident labour market test'*.

### Tier 5

The Statement of Intent for Tier 5 - *'Temporary Workers and Youth Mobility'* - was also released in May 2008 for roll-out in the autumn. It outlines the combination of numerous individual programmes for temporary work and youth travel, into one tier under the Points Based System.

Temporary Workers to the UK will be required to have a non-economic incentive, and will need a licensed 'sponsor' (company, charitable organisation or diplomatic body) in all cases.

Under Tier 5, existing work and exchange programmes for young people (18-30 years old) to travel to the UK will be subsumed under a new scheme: the 'Youth Mobility Scheme' (YMS).

**Note:** The Home Office Border and Immigration Agency (BIA) is now known as the UK Border Agency (UKBA).

## Highly Skilled Migrant Programme

On 8th April 2008, the High Court of Justice delivered a landmark verdict on the judicial review of the Highly Skilled Migrant Programme (HSMP). The case was brought by the migrant-led HSMP Forum against the Secretary of State for the Home Department. The HSMP Forum challenged the retrospective application of alterations made to HSMP rules in November 2006, to the 49,188 migrants who had entered the UK under the original rules established in 2002. The Forum successfully argued that this would unfairly cause some Highly Skilled Migrants to become ineligible for extension of their stay under the programme.

In his judgement, Sir George Newman referred to the findings of the Joint Committee on Human Rights in August 2007 - the Committee reported that the application of HSMP changes to Highly Skilled Migrants who had entered the UK under the original rules was in breach of the European Convention on Human Rights, Article 8 (the Right to Privacy and a Family Life).

Sir George Newman also expressed his concern at the Home Office's *'repeated refusal to consider the undeniable evidence of hardship' experienced by the affected migrants, concluding that the 'retrospective application of HSMP rule changes by the Home Office would, in my judgment, give rise to ... an abuse of power.'*

## Grounds for Refusal

The Government's tightening of immigration laws has moved another step forward with the new 'Statement of Changes to Immigration Rules HC 321', brought before Parliament on 6th

February 2008. HC 321 introduces an unexpected tightening of the "General grounds for refusal" under immigration rules. From 29th February 2008, under Rule 320 (7A), any applicant found to have used 'deception' (false documents or representation) in their application will normally be refused entry.

In addition, from 1st April 2008 under Rule 320 (7B), entry will also normally be denied to applicants found to have previously:

- \* overstayed their leave to remain in the UK by more than 28 days;
- \* breached the conditions of his or her leave to remain in the UK;
- \* knowingly used deception in a previous immigration application to the UK within the last 10 years;
- \* illegally entered the UK.

Denial will remain in force for fixed periods: 1 year from when the person made a voluntary departure at their own expense, 5 years from when the person made a voluntary departure at the expense of the UK government and 10 years from when the person was removed or deported.

The changes to the UKBA Grounds for Refusal have been the target of heated criticism since their introduction, leading to a number of significant concessions from the Home Office.

Liam Byrne, the Immigration Minister, confirmed on **17th March** that irregular migrants present in the UK on that date would be exempt from Rule 320 (7B) if they voluntarily left the country before **1st October 2008**, at their own expense (directly or indirectly). He further conceded on 13th May that settled family members, children and victims of trafficking would be exempt from automatic re-entry bans.

However, fears remain regarding the impact of HC 321 on other potential migrants.

Our thanks to the Migrants' Rights Network for the three news items above. Visit their website: [migrantsrights.org.uk](http://migrantsrights.org.uk) for updates.

The National Campaign Against Deportations has urged people to seek legal advice if they think they may be affected.

## ECHR rejects HIV asylum seeker

On the 27th May, the European Court of Human Rights delivered at a public hearing its Grand Chamber judgment in the case of *N. v. the United Kingdom*.

The Court held, by fourteen votes to three, that, if N. were to be sent back to Uganda from the United Kingdom, there would be no violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Court of Human Rights.

Her lawyers argued that a lack of medical care in Uganda would lead to her early death, and this would amount to cruel and degrading treatment. The government denied this, saying all NHS HIV drugs are available in Uganda. The court agreed that if the unnamed woman were sent back to Uganda, there would be no violation of the bar on inhuman or degrading treatment. When the woman entered the UK in March 1998 under an assumed name, she was seriously ill and was admitted to hospital.

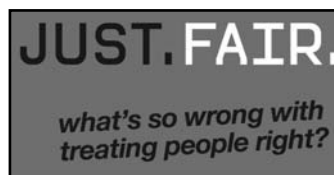
Soon afterwards, solicitors lodged an asylum application on her behalf, claiming she had been raped by government soldiers in Uganda because of her association with the Lord's Resistance Army, a rebel group in the north of the country. The lawyers argued that her life would be in danger if she were returned to Uganda. By November 1998, she was diagnosed with two illnesses which are known to be indicators of having Aids, and as being in an extremely advanced state of HIV infection.

Her asylum claim was rejected in March 2001, a decision she appealed against. In rejecting her claim, the Secretary of State found no evidence that Ugandan authorities were interested in her and that treatment of Aids in Uganda was comparable to any other African country. The secretary of state also found that all the major anti-viral drugs were available in Uganda at highly subsidised prices.

The BBC noted that in January the government sent a terminally ill Ghanaian woman who had been receiving treatment in the UK back to her country because her visa had expired.

*The judgment, Grand Chamber Judgement N.v.The United Kingdom (application no. 26565/05) will be available soon from the courts website: [echr.coe.int/echr/](http://echr.coe.int/echr/)*

## 'Let Them Work' campaign



The TUC and the Refugee Council have launched a campaign to restore the right to work for people seeking asylum in the UK.

The 'Let Them Work' campaign argues that it makes no sense to prevent asylum seekers from working during the often protracted period whilst their asylum applications are considered by Borders Agency and the Appeal Courts. Giving asylum seekers the opportunity to work would mean that pressing social issues can be addressed, such as the need for decent housing, the prevention of destitution, as well as the loss of self-esteem and confidence that is common amongst people who have suffered traumatic experiences.

### Accreditation

The Solicitors Regulation Authority has reported on their website that they will re-accredit everyone who wants to stay on the scheme by 31st December 2008. Legal Action reported in their June edition of *Legal Action* that immigration practitioners have recently been sent a letter by the SRA to this effect.

### Role of the Third Sector

The importance of the Third Sector was given a boost with the publication of a Treasury report, *'The future role of the third sector in social and economic regeneration'*. A strategy has been agreed which says that over the next 10 years the government will develop their partnership with third sector organisations by:

- \* supporting a wider range of activities by the third sector, particularly community action and campaigning
- \* focus more on investing in the long-term future of the third sector's work
- \* focusing more on improving local partnerships.

A new advisory committee has been established, 'Office of the Third Sector (OTS) Advisory Body' chaired by Baroness Jill Pitkeathly OBE. Baroness Pitkeathly is also chair of CAF/CASS (Children and Family Court Advisory and Support Service).

## Compact

The report refers to furthering their support for Compact - the statement of the principles of good relations between the third sector and all levels of the government. A joint Compact Implementation Plan 2008 - 2009 was published earlier this year. One of the actions listed is to clarify the legal status and scope of the Compact. It will also look at developing a national benchmark of good practice in relation to funding, commissioning and procurement approaches, *'which will also clarify the role of grants and the application of the Compact in competitively neutral funding processes.'* An updated version of the Compact and Codes will be developed during 2009 and 2010.

It is hoped that this message reaches local authorities. The Improvement and Development Agency have revealed that only a third of local area agreements are likely to include a target of creating an environment for a thriving third sector. Some town halls are reported as saying that they were reluctant because there is currently no baseline data against which to measure performance. Interestingly, over a half have adopted targets to improve community cohesion in their areas. See our report on Women's Group funding on page 30 to read about how the cohesion agenda is affecting services.

## Local Area Agreements

Local councils are currently selecting 35 targets from 198 performance indicators to include in the local area agreements. 80% of the 150 councils currently choosing their priority policies for the next three years have selected reducing the number of 16-18 year olds not in education, employment or training (NEETs) and tackling unemployment and benefit claimant levels. The deals are to be signed off in June. Councils who hit their targets will be rewarded with extra funds.

## Comprehensive Area Assessments

In April 2009, local authorities will be judged by a new Comprehensive Area Assessment (CAA) which will review their performance against national and local priorities for local area agreements. The CAA replaces Comprehensive Performance Assessments (CPAs) and is a move away from assessing performance to identifying how councils manage risk. Most of the existing rolling programmes of inspection will cease in 2008-09.

LCF's next General Meeting on 23rd June will have Gethyn Williams from London Voluntary Service Council to speak about local area agreements and how they will influence your council funding in the future.

**LCF General Meeting  
Monday, 23rd June 2008**

**1.30 - 5.15pm**

**MIC Hotel and Conference Centre  
81-103 Euston Street London NW1 2EZ**

**Guest Speaker**

**Gethyn Williams  
London Voluntary Service Council  
on  
Local Area Agreements**

Discussions include the way forward for Law Centres, key issues and what the LCF should focus on and our forthcoming annual conference.

Come along and join the debate about an LCF strategy for the way forward for Law Centres and what the LCF should focus on. A draft agenda is on the LCF website.

If you are unable to attend the meeting, telephone conference facilities will be arranged to enable you to participate via the phone at no cost to you. You may not want to sit on the phone for 3 hours, but you can ring in for the part of the agenda which most interests you. If you want to attend via the phone, please let us know and you will be sent a telephone number to ring and a PIN to enter.

Please ring the LCF office 020 7428 4402 or email the Director at [Julie@lawcentres.org.uk](mailto:Julie@lawcentres.org.uk) by Monday 16 June.

**Come along and have your say.....**

## Socially Excluded Adults PSA

The Socially Excluded Adults Public Service Agreement is the first agreement that has been reached that has focused specifically on the needs of the most vulnerable adults.

The PSA aims to ensure that the most socially excluded adults are offered the chance to get back on a path to a more successful life, by increasing the proportion of at-risk individuals in settled accommodation and in employment, education or training. The PSA focuses on four client groups who are particularly vulnerable to multiple forms of disadvantage and who may be negotiating a difficult transition such as leaving prison or long-term care.

## Ex-Offenders

The mention of prioritising ex-offenders above ties in with other initiatives. The Ministry of Justice for example has launched six new probation trusts. Trust status, introduced through the Offender Management Act 2007, allows probation services more independence. They will be able to focus their work on local communities to reduce re-offending. Ministry of Justice minister, David Hanson said, 'The new trusts will allow the Probation Service to use services from the public, private and voluntary sectors which provide the best route to help rehabilitate offenders'. There is also some move now to look more at the causes of offending.

It may be worth registering with the Ministry of Justice as a member of the National Provider Network to have it on record that your services include assistance to ex-prisoners. This directory is being set up by the Ministry of Justice's National Offender Management Service (NOMS) and is an online directory of current and potential providers to the Prison and Probation Services. Examples of intervention services include services for children and families, women, Black, Asian and Ethnic Minority communities and asylum seekers and refugees. It also mentions benefits and debt work.

**Go to:**  
[npn.noms.homeoffice.gov.uk/registration](http://npn.noms.homeoffice.gov.uk/registration) to add your Law Centre to the list.

## Shorts

### Consumer Credit

New provision in the Consumer Credit Act 2006 came into force on 6th April. These include the introduction of the Office of Fair Trading's (OFT) strengthened licensing regime, the creation of the Consumer Credit Appeals Tribunals, the removal of the financial limit for regulation of consumer credit agreements and the extension of the Unfair Relationships Test to all existing agreements.

The OFT has published guidance on Unfair Relationships and Enforcement action under Part 8 of the Enterprise Act of 2002.

### Consumer Protection Regulations

The Consumer Protection Regulations bring together 23 existing laws which Trading Standards officers have used against rogue traders. A total of 31 trading practices are now specifically outlawed. The government is investing £7.5 million to train new trading standards teams to enforce the new regulations. The only reservation, identified by the National Consumer Council, is the lack of a mechanism allowing consumers to take legal action against companies found guilty of illegal selling practices.

### Behavioral contracts

Honor Rhodes, director of development at the Family and Parenting Institute, has said that acceptable behaviour contracts are being rendered useless because many deprived people read and write at below average levels. Ms Rhodes said officers issuing behaviour contracts should sit down with the recipients to draw what the offender should and should not do. 'You do it in pictorial form, for example by drawing a line through slapping or spitting... They can put their thumbprint on it.'

Recent figures have revealed that two thirds of people given an anti-social behaviour order for the first time go on to breach it.

A report by the four Children's Commissioners for England, Scotland, Wales and Northern Ireland finds that Britain detains more children than any other country in Western Europe, with 2,900 locked up in the past year.

The Commissioners' report cautions that antisocial behaviour legislation has resulted in more children being drawn into the criminal justice system. They add that children who receive ASBOs can have their names and photographs published - a breach of their right to privacy under the UN Convention on the Rights of the Child.

## Health and Social Care Bill

The Health and Social Care Bill is now out for consultation. It aims to establish a new regime for the maintenance of care standards in England. The Department of Health's proposals envisage a single set of high-level regulations which will apply to all services required to register under the Health and Social Care Bill. A new care standards regulator is introduced, the Care Quality Commission.

The intention is that the regulations, which are intended to be 'outcome focused', will impose broadly-phrased requirements grouped under the following three categories:

- (i) safe and effective care and treatment
- (ii) personalised and fair care and treatment
- (iii) management and delivery systems

A collation of organisations including the British Institute of Human Rights, Age Concern, Help the Aged, Liberty and Justice have been lobbying government to change the ruling (YL v Birmingham City Council) made by the Law Lords stating that care homes run by the private or voluntary sector, but contracted by public authorities to provide residential care, are not covered by the Human Rights Act 1998. An amendment to the Bill should close this loophole.

Katie Ghose, Director of the British Institute of Human Rights (BIHR), said:

*'We warmly welcome the changes the Government wants to make to the Health and Social Care Bill, which restores human rights protection to hundreds of thousands of vulnerable older and disabled people under Human Rights Act, and therefore we call on Parliament to accept this amendment.'*

A recent report by the Joint Committee on Human Rights describes the following types of abuses in residential care homes:

- \* Eviction from care homes and fear of making complaints;
- \* Malnutrition and dehydration, including meals being taken away before a patient can eat them, or insufficient help with eating and drinking;
- \* Lack of privacy, dignity and confidentiality including individuals being left in their own urine or excrement;
- \* Neglect and carelessness, such as poor hygiene and rough handling of patients; and
- \* Bullying, patronising and infantilising attitudes towards older people.

## Regulation

The Department of Health has recently announced its proposals for a new set of social and health care regulatory requirements. The consultation period ends on 17th June 2008. The consultation paper is available at: [dh.gov.uk/ed/consultations](http://dh.gov.uk/ed/consultations).

The General Social Care Council has announced that all 'domiciliary care workers' will soon need to register with the Council.

## 'Think Families'

The Cabinet Office and the Department of Children, Schools and Families announced the piloting of a new 'Family Pathfinder' programme. Fifteen local areas will test and develop a 'think family' approach to help their most vulnerable families. The 'Think Family' approach has been developed by the Social Exclusion Task Force and aims to ensure that adults' and childrens' services join up to respond to the needs of whole families. Ed Miliband, Cabinet Minister with responsibility for social exclusion said:

*'When vulnerable adults turns to public services, there must be no wrong door to the tailored support they need. Only by effectively co-ordinating childrens' and adults' services to think family will we break the cycle of disadvantage that exists for the most at risk families.'*

The areas include Islington, Leeds and Warrington.

## New Legislation

Further legislation was announced by Gordon Brown in the governments' draft legislation programme for 2008/09. Along with the Equality Bill, there will be a Welfare Reform Bill, a Community Empowerment, Housing and Economic Regulation Bill, and a Citizenship, Immigration and Borders Bill. 13 other Bills were listed. In May, the Office of the Leader of the House of Commons (Harriet Harman QC MP) published *'Preparing Britain for the Future'* which outlines the main features of each of the proposed Bills.

## Alternative Provision

The Department for Children, Schools and Families has published 'Back on Track' - a strategy for modernising alternative provision for young people who have been excluded from school or who are otherwise without a school place.

## Local Government Ombudsman

Since April 2008, the LGO can investigate service failure. This means that the ombudsman can investigate a complaint if a local authority has failed to provide a service which it had a duty to provide, whether or not it provided the service directly or through a contract with a partner agency. It also has new powers to make a *'public statement of reasons'* when it discontinues an investigation.

A new advice team has also been set up. Anyone who is wondering whether or not their complaint is suitable for the LGO can telephone an advisor, who acts as the first point of contact. He or she will discuss the problem, and say whether or not the LGO can take it on.

The LGO advice team can be contacted on 0845 602 1983 or 024 7682 1960 from 8.30am to 5pm Monday to Friday.

## Legal Services Board

On 1st May, David Edmonds took up his post as the first chair of the Legal Services Board. He previously served for four years as a Commissioner at the Legal Services Commission. He is currently chair of the Board of NHS Direct and a Trustee of the Social Market Foundation.

The Board will become fully operational by early 2010. It will be independent from government and the legal professions. One of its functions will be to oversee the implementation of the new regulatory framework.

## Legal Aid Practitioners Group

Carol Storer has now taken up her post as director of Legal Aid Practitioners Group. Carol comes to the group from the charity, Shelter, where she was their legal services manager. Carol, who is a solicitor, is a past chair of the Access to Justice Alliance. In June, LAPG launched a *'Become a Friend'* initiative to help raise funds. Information is on their website at: [lapg.co.uk](http://lapg.co.uk).

## Funding News

### London Legal Support Trust Walk

Law Centre and LCF teams joined more than 3,500 lawyers for the fourth London Legal Support Trust sponsored walk. The walk from the Royal Courts of Justice to the Law Society in Chancery Lane took place on 20th May.

The walk raised a record £310,000. Bob Nightingale, from the London Legal Support Trust who organised the walk said:

*'It was brilliant, we raised £100,000 more than the year before. Having doubled the number of walkers every year for four years, I think it's becoming something of an institution. People know that the voluntary legal sector is dying and the commercial legal profession is turning to help.'*

Thirteen London Law Centres joined the walk alongside workers from the Law Centres Federation. South West London Law Centre alone raised £10,000.



LCF Team join the walk on 20th May

## Networking..

Following the walk, a ceremony at The Law Society saw the Trust present cheques to Mary Ward Legal Centre (£27,000), which provides free advice on debt law, and Islington Law Centre (£25,000), which provides advice on housing, education employment and consumer law, to combat the 'immediate danger' of closure that both Centres face.



Islington Law Centre receiving their cheque for £25,000

The Trust was also given a boost by the announcement that Weil Gotshal & Manches will be joining a scheme that raises money from the interest accrued by pooling the firms' client accounts.

### Women's Groups

The Charity Commission has announced that a new fund for women's group will be launched in June. The fund will be run by Maggie Baxter former grants director at Comic Relief. The funds aims to attract income from major philanthropic donors. A report by New Philanthropic Capital estimated the cost to society of violence against women was £40bn a year. The fund will finance projects working for women's safety, economic justice, health and well being and will allocate grants in the first year to proposals for new projects.

**Southwark Black Sisters** is an example of how current funding is being threatened. They say, *'The council has used the government's vague and inconsistent cohesion agenda in a cynical way to stop funding specialist services for those who have been historically the most marginalised and least able to assert their human rights. In our area of work, we know of other women's domestic violence and rape crisis services that are threatened by the cohesion/faith agenda and by the wholesale redefinition of equality so that it is no longer about protecting the historically disenfranchised'*.

On 24th April, a High Court judge granted Southwark Black Sister users permission to proceed with legal action against Ealing Council for its failure to have proper regard to its duties under the Race Relations Act. The judge granted an injunction to stop the council making any decision on the funding of domestic violence services until the case is concluded. Southwark Black Sisters have thanked everyone for their support.

### Working Neighbourhoods Fund

This new fund for local councils replaces the Neighbourhood Renewal Fund and is to *'tackle pockets of entrenched worklessness and unemployment'* in deprived areas. John Healey, the local government minister has appointed three advisers to advise government on how the fund should be spent.

### Baring Foundation

#### Strengthening the Voluntary Sector (STVS) - independence grants programme 2008

The Strengthening the Voluntary Sector - independence programme 2008. The programme focuses on strengthening the independence of advice and advocacy organisations in the cities of Bristol, Coventry, Manchester or Sheffield or in the counties of Kent or Lincolnshire. The deadline for submitting applications is 30th June 2008. Visit: [baringfoundation.org.uk](http://baringfoundation.org.uk) for more information.

### Conferences

#### Global Alliance for Justice Education (GAJE)

GAJE is an alliance of people committed to achieving justice through legal education. Their 5th Worldwide GAJE Conference is to be held in the Philippines in December 2008. It aims to:

- a) Write a definition of justice education
- b) Examine and document examples of existing practices and/or case studies of legal training programs from around the world that encompass and promote justice education.
- c) Present, expand and 'test drive' sample web-based materials that can be used to support justice-focused legal education.

For more information: [gaje.org/jei](http://gaje.org/jei)

### International Research Conference

The Legal Services Research Centre's biennial international research conference is taking place in Greenwich between the 18th and 20th June 2008. The theme of the conference will be 'reaching further' and indicates a focus on users and potential users of legal services.

There will be a range of speakers from overseas, including Australia, Canada, the Netherlands, South Africa, Turkey and the USA as well as speakers from Northern Ireland and Scotland. **Julie Bishop**, director of the LCF will be speaking on 20th June in the final session. Fees for three days is £345.00. Further information is on their website: [lsrc.org.uk](http://lsrc.org.uk).

### Training

**London Discrimination Unit Employment Law** LDU are putting on four training events this June: Age Discrimination on Thursday 12th June - ½ day p.m., Maternity & Parental Rights on Tuesday 17th June - one day, Advocacy before the ET on Friday 20th June - one day and Identifying & Proving Race Discrimination at the ET, on Thursday 26th June - one day. Costs: £117 (one day) £59 (½ day) voluntary sector. Lunch is included for attendance all day. No VAT is chargeable.

Training will take place at Canterbury Court, Kennington Park Business Centre, 1 - 3 Brixton Road, London SW9 6DE. For further details please contact Delta Streete, Marketing and Training LDU (Lambeth Law Centre) Tel: 0207 840 2024 fax: 0207 7820 8303 or email: [dstreete@lambethlawcentre.org](mailto:dstreete@lambethlawcentre.org)

**Entry Clearance & Other Non Asylum Appeals** Training by JCWI on 18th June. £85.00 for LSC contract holders. The trainer is Ashar Chohan who has a long history of working in Law Centres. Visit: [jscw.org.uk](http://jscw.org.uk) for information about this and other courses.

**EU Law for Social Welfare Lawyers and Advisers** Training provided by Sue Willman and Adrian Berry taking place on 27th June in London. One of many courses organised by the Legal Action Group. £185 plus VAT. There are a limited number of concessionary priced places Please call 020 7833 2931 for more information and availability. Visit: [lag.org.uk](http://lag.org.uk).

**Protecting women from persecution: claiming asylum in the UK and financial support.** Training organised by Rights of women and the Asylum Support Appeals Project. This one day course takes place on 22nd September in London. £130\£100 depending on income. Participants receive '*Pathways to Justice: BMER women, violence and the law*' (worth £12.00). This is the latest publication from Rights of Women. Visit: [rightsofwomen.org.uk](http://rightsofwomen.org.uk) for more information.

### Books

**The Good Guide to Employment** by Wendy Blake Ranken published by NCVO in May. This fifth edition is completely updated and revised, and includes case studies, good practice examples and checklists. £25.00

**The Solicitor's Handbook 2008** will be published by Law Society on 6th June. The new handbook has been written by Andrew Hopper QC and Gregory Treverton-Jones QC. It draws together all of the most important rules and regulations that affect solicitors and provides insight on issues previously covered by The Guide to the Professional Conduct of Solicitors, which was last published in 1999. £64.95.

The 3rd edition of the **Voluntary Sector Legal Handbook** will be published in the summer. This edition by Sandy Adirondack and James Sinclair Taylor will be titled 'The Russell-Cooke Voluntary Sector Legal Handbook'. The cost for voluntary organisations is £60.00.

**Is Your Campaign making a difference ?** One of a series of books published by NCVO in April costing £25.00. Visit: [ncvo-vol.org.uk](http://ncvo-vol.org.uk) for information about this and the others books on campaigning.

**HIV and the UK Asylum Pathway** published by the National AIDS Trust in April 2008. This paper provides an overview of the asylum system in the UK, identifying concrete opportunities for increasing the support provided to asylum seekers living with HIV.

**Housing Law Casebook** (4th edition) by Nic Madge and Claire Sephton. To be published by LAG and Shelter at the end of June.

## Leaflets

**Pregnancy and Work: What you need to know as an employee 2008-2009** published by the Department for Business Enterprise and Regulatory Reform (BERR).

Employees' queries about Statutory Maternity Pay can be referred to HMRC Statutory Payments Disputes Team on 0191 2255221.

**Speaking Out - Guidance on Campaigning and Political Activity by Charities** Updated version published by the Charity Commission in March 2008.

**YourRights** Liberty's YourRights leaflet was fully updated in February along with their website: yourrights.org.uk. The website is a '*unique online guide to civil liberties and human rights*'. It has a new 'News' section to keep visitors up to date with important developments.

**A Guide to the Human Rights Act - A booklet for people with learning disabilities** published by the Ministry of Justice in June. The booklet was produced with the help of Working with Words, a specialist supplier of services for people with learning disabilities and low literacy.

**Using the law to challenge a planning decision** Guidance that can be downloaded from EarthRights' website: earthrights.org.uk

## Reports and Research

**Youth Justice Reforms** The Centre for Crime and Justice Studies published a report on the last ten years of the government's youth justice reforms. The audit concludes that most of the targets have been missed. In reality they say that the government can only regulate youth crime and has minimal direct impact on reducing it. The paper suggests that fundamental questions need to be asked about whether the youth justice agencies

can really address the complex economic and social factors which are the cause of so much youth offending. It suggests that consideration should be given to placing resources directly with social support agencies outside of the criminal justice arena.

**Getting past reception: Access and intake systems in Not for Profit legal services providers** Published by Advice Services Alliance and written by Mark Sefton. April 2008

**Measuring the outcomes of employment advice** Publication from the Advice Services Alliance in February on the initial findings from the Islington Law Centre pilot. Visit: [asauk.org.uk](http://asauk.org.uk) for a copy.

**Youth Homelessness in the UK** by Deborah Quilgars, Sarah Johnsen and Nicholas Pleace, was published by the Joseph Rowntree Foundation in May. This study, the first UK-wide review of youth homelessness for a decade, explores whether these changes have been effective in tackling youth homelessness. Data on the scale of homelessness indicates that at least 75,000 young people experienced homelessness in the UK in 2006-07.

In May, DCLG published a paper on joint working between housing and children's services, '*Preventing homelessness and tackling its effects on children and young people*'.

**'Talent Not Tokenism'** on steps that firms can make to improve diversity in the workplace was published by the CBI and TUC on 2nd June. Visit: [tuc.org.uk/extras/talentnottokenism](http://tuc.org.uk/extras/talentnottokenism) for a copy.

## Guidance

### **Client Care**

The Law Society has recently published a new good practice guide on complaints management. It can be found on their website at: [lawsociety.org.uk/clientcare](http://lawsociety.org.uk/clientcare).

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

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

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

A special thanks to our supporters of our 2007 Annual Conference  
Allen & Overy, AON, Anglia DNA, The Independent Lawyer, Legal Action Group and Mayer Brown