

Networking...

The national voice of Law Centres

Looking forward to Conference

It's not long now till our annual conference. As you know we are holding the conference for the first time in the heart of London, almost next door to Euston Station ! You will need to let us know quickly about accommodation as the centre of London is likely to get packed with people wanting to travel to Europe on the new Eurostar from St Pancras International.

There is a host of attractions starting off with an opening address by Lord Hunt, the new Minister for Legal Aid, followed by Shami Chakrabarti, the well known director of Liberty and Andrew Holroyd, the new president of the Law Society who has a particular interest in immigration issues. We are also very pleased to have Paul Newell who is the head of civil policy development at the Legal Services Commission. Our conference is titled, 'Immigration: Law Centres Protecting Fundamental Rights' and this theme will be running throughout the two days.

There are twelve workshops to choose from and we have aimed to include in each session, workshops that will appeal to members of Law Centre management committees and a sessions relating to changes in legal services or contracting. On Saturday morning we are delighted to welcome Joanna Owen who is a legal officer at the new Equality and Human Rights Commission.



Julie Bishop speaking at the LCF conference on Equality and Human Rights in 2004

The Law Centres Federation has been working closely with our colleagues in other advice networks and made a joint presentation to the Commissioners and Officers last month. Our dialogue on how we can work in partnership with the Commission in the coming years continues and we are very pleased that Cleon Hutton, lead of the Partnerships work-stream at the Commission will also be joining us. In the last, but not least session, a subject we think that you will all find of interest is a debate on charging for services.

New Director for LCF

The Law Centres Federation is proud to announce that a new director has been appointed. Her name is Julie Bishop - some of you may remember Julie when she spoke at our conference on equality and human rights in Teddington in 2004.

Julie has been the director of the National Association of Community Legal Centres in Sydney, Australia since 2002 and is well known for her academic work, her public speaking and campaigning for better access to

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legal services. The NACLCLC represents over 200 Community Legal Centres located throughout Australia in urban, rural and very remote locations. Its direct members are eight State and territory associations to which the centres belong. NACLCLC derives its funding from its membership. It receives specific project funding from the government but attempts to be self-funding in order to ensure its independence and continued existence. Its main role is to negotiate with funding bodies, provide services for centres and advance the interests of CLCs and their clients.

Julie will start with the LCF in February 2008, but we are delighted that she is able to join us at the conference. This will be a chance for everyone to meet Julie and an opportunity to talk to her about your Law Centre and some of the issues you face. Julie has also agreed to be our after dinner speaker, so join us at 7.30 p.m. on Friday, 23rd November.

Legal Services

Legal Services Act 2007

After much debate, the Legal Services Bill received Royal Assent on 30th October. The Solicitors Regulatory Authority (SRA) published a consultation paper, 'New forms of practice and regulation' a few days later.

The Act will allow new kinds of legal practices to be developed in which solicitors may join with other kinds of lawyers and non-lawyers to form practices (legal disciplinary practices - LDPs). In the longer term, alternative business structures (ABSs) will allow lawyers to go into multidisciplinary practices with other kinds of professionals, and allow non-lawyers to own firms which provide legal services.

The SRA paper shows an increased emphasis on regulating firms: the SRA's view is that it is often more effective - and less burdensome - to regulate the organisations providing legal services than to attempt to do this through each solicitor. They do however, consider it essential for each solicitor to remain individually accountable to the SRA for their own professional behaviour.

The Act sets up a Legal Services Board to oversee the regulation of legal services. When this is set up, it will be able to authorise regulatory bodies, such as the SRA, to become 'licensing authorities'.

What is an Alternative Business Structure ?

SRA define an ABS as any body which provides reserved legal services to 'the public or a section of the public' (to be defined in the rules) and which has a 'non-authorized person' as a manager (partner, director of a company or member of a limited liability partnership) or with an interest in the body. A person has an interest in a body if they hold shares or exercise or control the exercise of voting rights in the body.'

Law Centres are mentioned in the Glossary under 'In-House Lawyers'. It says, 'At present a solicitor employed by non-solicitor employers (including those in the not-for-profit sector), acts only for the employer, subject to limited exceptions which allow, for instance, a Law Centre solicitor to act for members of the public. Most organisations whose solicitors currently act for sections of the public - such as Law Centres (or insurance companies) will eventually need to be licensed as ABSs under the Act.

The Alternative Business Structures regime is unlikely to be available until at least 2011 or more likely, 2012.

Legal Disciplinary Practices

LDPs are a new type of firm which may also include one or more other lawyers (e.g. barristers, legal executives, law costs draftsmen) and/or 25% non-lawyers. This was the view of Sir David Clementi who said that LDPs can safely include a minority of non-lawyer managers, if the practice is providing legal services and the non-lawyers are part of the delivery of such services (and so are subject to the same type of regulation as lawyers).

This will be for a transitional period only. When the ABS licensing scheme is in place, an LDP with any non-lawyer managers will need to become licensed as an ABS.

The introduction of LDPs will not depend of the existence and empowerment of the Legal Services Board (as with ABSs). Changes can be made as soon as the relevant front-line regulators (such as the Law Society who will act through its independent regulatory body, the SRA) have completed the necessary consultations, changed regulations and rules and put appropriate processes and procedures in place. Hence, LDPs will be permitted from about March 2009.

Legal Services Bodies

The Act amends the Access to Justice Act to say that all legal services bodies must be recognised bodies.

Regulatory Framework

SRA's Strategy has regulatory objectives and principles of good regulation. Their key objectives are:

- * To set standards for organisations offering legal services (i.e. services of a type provided by solicitors)
- * To promote choice, innovation and accessibility in the provision of legal services through different types of business structure.

Office for Legal Complaints

The OLC will take over all complaints handling against lawyers, at present handled by the complaints services of various professional bodies; the OLC will not deal with alleged professional misconduct, which will continue to be dealt with by the front-line regulators and, in the case of solicitors, by the SRA and the Solicitors' Disciplinary Tribunal.

The Consultation

There are six questions in the consultation about the changes. They include the passporting of existing bodies, a 'fit and proper' test for non-lawyers and whether there should be any requirements for other authorised persons, and the apportionment of regulatory costs between firms and individuals. They also ask for comments on any potential equality and diversity impact of their proposed approach.

You can find the papers on sra.org.uk/LSA. You can also subscribe to updates by visiting SRA's website. They are on LCF's website in the members' section. The closing date for comments is 14th December.

The LCF is interested to hear your comments on the Act and how you think the proposed changes might affect your work. Overall, being regulated by the SRA and being able to apply for a recognised body license for a Law Centre as a whole would be a good thing? Thing is, if we do, it looks as though we may have to wait for another five years, although this is not absolutely clear - could we become an LDP before becoming an ABS?

Straw says legal aid must be reduced !

At the Labour Party Conference, Jack Straw, the new Justice Minister said that the legal aid bill for England and Wales was the highest in the world. He said that legal aid costs had risen from £139 million in 1980 to £2.2 billion in 2005. He asked lawyers at the Society of Labour Lawyers fringe meeting to work with him to find out why our costs were higher and to look at ways of reducing it. He said efforts needed to be made to improve processes within the legal system and increase efficiencies. He added that he was determined to protect the budget of the court service and that he had no intention of raiding it to pay for legal aid. Marcel Berlins writing in the Guardian offered to help the Minister with his detective work saying, *'There is no doubt that the English adversarial system of criminal justice, with the emphasis on the trial itself, needs the services lawyers far more, and is therefore more expensive than the continental inquisitorial process, where the vast majority of the legal work is done pre-trial.'* He warned that if the systems of the criminal trial and civil litigation are radically reformed and fees are slashed, the legal aid bill may well be reduced, but the danger will be that the savings made will be at the expense of justice.

On 9th of October, the government published their Pre Budget and Comprehensive Spending Review for the next three financial years. The Ministry of Justice settlement was for £9.7 billion

p.a. This now includes of course, the prison service where resources will be spent on creating 9,500 new prison places by 2012. The press release however does say that £100 million of modernisation funding will help deliver a modernised court service and a sustainable legal aid system.

A year after means testing in the magistrates' courts, a review has found that the change is on course to deliver its projected annual saving of £35 million. One of the review's recommendations is to extend the 'passporting' provisions for youths so that all defendants appearing before the youth court and all under 18-year-olds appearing before the magistrates' court are exempt from the means test. This will be implemented on 1st November 2007.

Lord Hunt, the Justice Minister welcomed the review and said that from 1997/98 to 2005/06, criminal legal aid had risen in real terms by 35%. *'The savings generated by the means test will help control criminal legal aid expenditure and enable the targeting of resources where they are most needed, on civil and family advice and assistance.'*

At a meeting with the Minister earlier this month, the LCF was reassured that there will be no cut to expenditure on civil legal aid and that the government would like to gradually increase the budget over the next few years.

Liberty Director urges Campaigners on

Liberty Director Shami Chakrabarti urged the Access to Justice Alliance (AJA) to step up their campaign for better access to legal aid for their clients. Addressing the AJA annual general meeting on 29th October, she echoed their concerns that the Carter changes to legal aid introduced in October would seriously affect availability of support for many of their clients. AJA had maintained pressure on the government to halt the changes and make better provision for those seeking legal aid, who are often the poorest and most vulnerable. So far though, the government has showed no sign of changing course, driven by blunt application of value for money and competitive tendering philosophies where one size should fit all, in AJA's view leaving too little space for those with more complex and time consuming needs.

Chakrabarti stressed that access to justice should be 'a citizen's absolute right', in the same vein as health and education in the welfare state. Justice should be viewed as a basic entitlement of post 1945 society, and the maxim should be that the need for support should automatically generate delivery of the support. Many clients of member organisations of AJA were the poorest and most disadvantaged, and access to legal advice and representation should be a basic entitlement just as other welfare rights in the UK.

The debate about citizenship had developed a momentum in the 1990's, and the language around entitlement had gained currency. She urged AJA's to pursue this entitlement theme in its campaigning, and in its dialogue with government and influential stakeholders. It was vital to sustain pressure on the government to recognise and respect entitlement, and to show that the realisation of key elements of the Carter reforms ran counter to it.

She felt that the supposed new market for legal aid services must also be challenged. She said, *'What is this market when it is so difficult for many people particularly in 'advice desert' areas to get help? How is the market working when such inequalities still exist? How do government claims of better access tally with so many accounts of legal aid firms closing their doors or reducing provision so drastically?'*

She asserted that the way forward was to provide hard evidence of how the Carter changes were impacting on the ground, and provide proof that the system was not working for many of those in greatest need. This was not just clients who had managed to access some legal aid support - but not enough under new rules - but the many that could not get any help at all. It would be vital for advice services to help such clients articulate their concerns - if necessary to MP's and the media - to keep the momentum in the campaign.

And the government should not be allowed to deflect concern by discrediting the legal lobby - this issue was about clients and not about lawyers' interests. Clients would be central to winning the government over. The simple message should continue to be that when people need legal advice, they should be able to get it.

In thanking Chakrabarti for agreeing to speak at the meeting AJA Chair, Steve Hynes commented, *'Over the next year AJA will play a lead role in monitoring the impact of Carter, while continuing to campaign for a civil justice system accessible to all.'*

Legal Services in Wales

A new strategy for delivering civil legal aid and advice was launched by the Legal Services Commission the Welsh Assembly in September. 'Making Legal Rights a Reality in Wales' sets out a shared vision of a more co-ordinated legal service. It complements the National Assembly for Wales's Making the Connections strategy.

The paper explains how the LSC, the Welsh Assembly and partners will work together to establish a Welsh framework for commissioning and delivering quality, co-ordinated services. It gives the CLS in Wales a role in solving the causes of problems, greater flexibility for tackling local issues and more opportunities to promote a better awareness of legal rights.

The framework proposes developing new networks of expertise and will involve other funders such as local authorities to achieve a seamless service, from basic advice to specialist representation in the highest courts. The LSC plans to establish up to eight procurement areas in Wales in the next five years.

A Welsh Committee for the CLS was established in March 2007 and is chaired by LSC Commissioner, Tom Jones OBE. The Committee places increased emphasis on how legal aid contributes to the wider government agenda.

Justice Committee

On 6th November, the Constitutional Affairs Select Committee changed its name to the Justice Committee and has expanded its remit. The number of members has been increased from 11 to 14. Current members are: Rt Hon Alan Beith (Chair), David Howarth MP, Sian James MP, Jessica Morden MP, Julie Morgan MP, Robert Neill MP, Mr Andrew Tyrie MP, Dr Alan Whitehead MP and Jeremy Wright MP.

Legal Services Commission and the voluntary and community sector

The LSC has been working with the Compact Advocacy Programme on improving its relationship with the voluntary and community sector and is committed to working within the Compact.

The Compact on relations between government and the voluntary and community sector, first published in 1998, provides the framework for partnership working between government and the sector. The LSC is committed to implementing its principles. The Compact applies in England but the LSC is also taking forward joint working initiatives with voluntary and community sector partners in Wales.

The National Council for Voluntary Organisations' Chief Executive Stuart Etherington says *'NCVO's Compact Advocacy Programme has been working with the Legal Services Commission and a coalition of voluntary agencies to help improve their working relationship. A workshop held on 10 September 2007 was a welcome initiative and provided a great starting point for building a more effective working relationship between the two sectors. We are pleased with the progress that has been made so far and will continue to work together to ensure a partnership fully in line with the Compact, based on mutual respect, involvement, participation and good communication.'*

LSC Chief Executive Carolyn Regan said, *'I welcome and endorse the Compact Advocacy Programme's comments and look forward to working together with the voluntary and community sector in the future. We have long recognised the wide role that the voluntary and community sector plays in public services. The sector is committed to meeting client needs, can play an ambassadorial role in promoting legal aid and has the ability for innovation and piloting. As well as funding and procurement, we will also be increasing our focus on consultation and client engagement going forward.'*

Networking..

A statement on the Compact and its application in relation to legal aid procurement, consultation and client engagement can be found on the LSC website here.

For any queries relating to the third sector or the Compact please contact Cate Jolley, Third Sector Liaison Officer, on 020 7759 0426.

LSC Contracts Update

The Legal Services Support unit at the Advice Services Alliance has updated its email bulletin services. The new look updates contain a range of topics and information - not just one. CLS Support consultancy line - 0870 7700 447 - is open between 1.00 and 4.00 everyday of the week. You can also email queries to them on cls.support@asauk.org.uk. In September, CLS Support published a bulletin on the new LSC Forms. All the new forms became mandatory from 1st October.

Watch out for their independent training on the Unified Contract and other key developments.

Contracting

The big day came and went. It will be interesting to look back in a few years to see how significant 1st October 2007 was in the history of Law Centres. The LCF would like to give its thanks to all the Law Centres who responded to request last month for views of how the changes were panning out. It was clear that for many Law Centres it was much too early to tell, but many of you reported issues on tolerance allocations, VAT, pre-unified contract reconciliations, problems with timing of the new bid round, re-opening of old matters, and software problems. Along with other legal and advice networks these complaints were put to the Legal Services Commission (represented by Martin Seel, Jason Hill, Elliot Miller and Eleanor Fiskin) meeting on 24th October. The LSC said that answers to queries would be added to their Q&A section on their website.

It was confirmed at the meeting that KPI (Key Performance Indicators) will become mandatory from 1st April 2008. There continues to be some uncertainty about the future of the Preferred Supplier scheme.

There has been a flurry of additional guidance papers from the LSC since then, including the recent costs assessment guidance. All of these have been placed on the LCF's members' section of the website for easy reference.

A new bidding round was announced a few weeks after the introduction of the unified contract. The LSC issues tender documents with a closing date of 13th November. Tenders for mental health services was slightly later on 28th November. Tenders were for contracts in family law, family and social welfare law and mental health. *Have any of you applied ?*

Community Legal Advice

On 12th November, Community Legal Service Direct became Community Legal Advice. The Legal Services Commission say, *'The name change follows a desire expressed by clients for a clearer name as well as research that showed a need for the justice system to be clear in the language used to promote services. The Community Legal Service Strategy, which involved us working more closely with providers to deliver integrated services, presented an opportunity to look at a single public brand for client services.'*

The service is described as *'the government's free legal aid service that provides telephone and web advice that offers help on the problems including: housing and eviction, money and debt, employment, education, advice on benefits, tax credits or welfare problem and finding a solicitor People can access the same free and confidential advice paid for by legal aid on 0845 345 4345.'* The new website is communitylegaladvice.org.uk

CLANs, CLACs, ISWLS and CLASs

At various stages of development, there are now two CLANs and six CLACs. The two Community Legal Advice Networks are in Cornwall which was launched in March 2007 and East Riding which was announced at the end of August. Gateshead is now an established Community Legal Advice Centre and two Law Centres have put in joint bids for CLACs in Derby and Leicester. The other three CLACs announced and put out to tender are Hull, Portsmouth and

Wakefield. A meeting for providers was held recently in Barking and Dagenham in London to discuss the setting up of a Community Legal Advice Service (CLAS) as a type of Integrated Social Welfare Law Service.

The LCF has written a briefing on CLACs and CLANs which Law Centres can download from the members' site on the LCF website.

Law Centre News

South Manchester Law Centre WASP

The WASP research project is a groundbreaking study conducted by South Manchester Law Centre in partnership with Manchester Metropolitan University. It focuses on the experience of women asylum seekers from Pakistan who seek refugee protection in the UK as a result of fleeing domestic violence in Pakistan. The research is transnational covering England and Wales and four regions in Pakistan. The study pay particular attention to the nature and extent of protection in Pakistan, the difficulties associated with the concept of internal flight, the difficulties Pakistani women have experienced with the attempts to access justice within the asylum system and problems with access to services in the UK.

A conference is being held on 7th December in Manchester. See page 21 for details of the conference and for WASP contacts at the Law Centre.

Goven Law Centre

Recognition for Govan Law Centre in Glasgow was given when they received two awards at the Law Awards of Scotland dinner held on 16th September. The Law Centre was awarded the Chairman's Award sponsored by the LexisNexis Visualfiles and Solicitor of the Year went to Mike Dailly, the Law Centre's managing partner.

Lambeth Law Centre

Baroness Scotland QC, the Attorney General opened Lambeth Law Centre's new offices on 2nd October. Baroness Scotland said,

'People who come to Law Centres for help rarely have one single problem. Their problems are frequently multifaceted and have integrated legal and non legal elements. For example, the person who comes in with debt problems will often go on to mention other issues such as domestic violence, housing and schooling for their children. I am extremely impressed with the holistic approach Lambeth Law Centre has taken to address this reality by pulling together expertise from a range of organisations to provide an all round service. As lawyers, we must find increasingly holistic and innovative solutions to resolve people's problems. I hope that the approach taken by Lambeth Law Centre is taken up by others as a model for success.'

Lambeth Law Centre is now based at Unit 4, The Co-op Centre, 11 Mowll Street, London SW9 6BG. Their office number is 020 7840 2001. Their new premises is a ground floor unit with a reception and interview rooms with disabled access. There is a separate unit on the first floor for case workers. Their advice line is 020 7840 2000.

Haringey Law Centre has also been on the move. They are now based at: Ground Floor Offices, 7 Holcombe Road, Tottenham N17 9AA.

Streetwise Community Law Centre

Streetwise provides advice to any young person aged 11- 25 who lives, works or studies in Bromley, Crystal Palace, Croydon and Sutton. A new service is planned for young people in Lewisham in 2008. As well as providing advice from the main office they have outreach sessions each week in three other locations, all fully accessible. There is a text box system to allow hearing impaired young people to contact the Law Centre via a minicom phone. It is interesting to note that in their recent annual report, 18.5% of all new clients had a disability.

Streetwise gives specialist advice in cases involving housing, benefits, education, disputes with social services and employment. When significant cases are reported in their report, the Law Centre has related the success of the case to 'Every Child Matters Outcomes'. They highlight cases showing how young people have particular needs that can overlooked, such as the vulnerability to unfair treatment of young

people in their first job or dealing with complex benefit rules for the first time. The number of new education cases has increased. The Law Centre comments, *'Expert and timely help is crucial when young people have problems that threaten their education.'* Young people who have special needs due to illness, disability or severe family problems often need the assistance of their local social services department. The Law Centre highlights how it can be a real struggle for young people to access the services they need.

'Ur Rites R Us' is a project set up with funding from Bromley's Youth Opportunity Fund. It was initiated by a group of ex clients from the Law Centre who wanted a pilot to encourage young people with disabilities or illness to claim the benefits they were entitled to. Some members went on training about the Disability Living Allowance. Leaflets were distributed around the borough and as a result of the campaign, 28 young people or their carers received £17,694 in previously unclaimed benefits.

Migrants Gateway

With funding from the European Social Fund, the Migrants Gateway was launched in Brussels in June 2007. Advice for Life (Huntingdon and Cambridge Law Centres) helped set up the project which provides advice and information directly to migrant workers in the East of England. The Project provides six types of service: An holistic approach connecting migrants to information, advice and guidance by mainstream providers; publicity material; a website for migrants (migrantgateway.eu), employers and others; a help-line; an advice line for employers, trade unions and practitioners, and modular training materials.

In 'Routes to Integration and Inclusion' an interim report by ALF to ESF Equal in August, they made 8 policy recommendations:

- * Assist migrant workers to take up their employment rights by the UK government implementing the European Agency and Temporary Workers Directive.

- * There should be stronger powers of inspection and a higher number of inspectors for the Gangmasters Licensing Authority to ensure that the minimum wage and statutory rights are enforced.
- * There should be an amendment to the minimum wage regulations that make it unlawful to deduct monies for rent and other possibly unlawful deductions.
- * Employers should be compelled, under their general duty of care, to ensure that workers received and properly understand contracts, written terms and particulars of employment, health and safety regulations and the provision of access to qualified translation and interpretation services.
- * Advisers should have access to sustainable training and support on migrant worker issues.
- * There should be adequate provision of specialist employment advice, up to and including representation, available to migrant workers, particularly as migrants are often 'workers' rather than 'employees' and therefore do not join trade unions.

The project worker at Advice for Life is David Brown

Workers exploited

On 23rd October, a local newspaper in Carlisle recorded how lawyers at Carlisle Law Centre have highlighted how some Cumbrian employers have exploited migrant workers who came to the county for a better life. They report that in recent months they have helped a steady stream of east Europeans who were singled out for unfair treatment at work. This has included workers:

- * suffering racial abuse.
- * being paid less than UK colleagues doing similar work.

- * and suffering unlawful deductions from wages.

Carlisle Law Centre have published a report on their findings. They say, *'We have seen many migrant workers, mainly from eastern Europe, who have suffered unacceptable treatment because of their national origins. If they complain, they are usually dismissed. On top of it all, they are usually also subjected to racial abuse. Our clients often speak little English, and do not know how to enforce their rights. The employer is banking on them not having the ability to challenge this sort of behaviour. In such circumstances, it takes courage to stand up to the employer.'*

The report goes on to say that the Centre's intervention often leads employers to update and reform their treatment of migrant staff.

The Centre's most dramatic success involved 40 Polish and Ukrainian workers from Penrith, awarded £250,000 after allegedly being employed on inferior conditions to their Cumbrian colleagues.

Work based learning proposals

The Solicitors Regulatory Authority consulted stakeholders earlier this year on proposals for replacing the training contract with a new 'work based learning' requirement.

They have now published a statement setting out:

- * changes made in view of this feedback, the principles behind our new proposals, and
- * how we will progress the project over the coming months.

SRA previously proposed a new framework with two training routes:

1. a main route similar to the current training contract, and
2. an alternative, where the SRA would support and assess Legal Practice Course graduates in paralegal roles to qualification, even if they were not in training agreements.

They now propose that the SRA itself will not provide any assessments or learning support. Instead, the SRA will set standards for individuals who are training, and for the firms and organisations that are training and testing those individuals. SRA will also ensure that these standards are met.

Significantly, they plan to authorise external organisations to offer a learning and assessment framework to individuals who cannot find training contracts, as long as they are working in suitable environments with supportive employers.

SRA hope to provide further updates, focusing on the pilot of this new framework, early in 2008. The complete statement - Moving forward with a new framework for work based learning is available to download: sra.org.uk

Equality News

Equality and Human Rights Commission

On 1st October, the Equality and Human Rights Commission came into existence and the Commissions for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission were wound up.

There are 16 Commissioners. The Chair of the Commission is Trevor Philips and Deputy Chair is Baroness Margaret Prosser. Maeve Sherlock and Joel Edwards are the most recent appointees. Maeve was former chief executive for the Refugee Council and Joey has served on a number of faith, government and public agency advisory groups. They join Kay Allen, Baroness Jane Campbell DBE, Kay Carberry, Baroness Sally Greengross OBE, Francesca Klug, Ziauddin Sardar, Ben Summerskill. The Welsh Commissioner is Dr Neil Wooding and the Scottish Commissioner is Morag Alexander. There are two transition commissioners, Professor Kay Hampton and Sir Bert Massie CBE.

As we mentioned earlier, the LCF has been working closely with the other legal and advice networks on ideas of how we can work together in the future. There will be a fuller update in our next edition.

It was disappointingly to note that there was no Single Equality Bill in the Queen's Speech this month meaning it may be another 12 months before a Bill is published in its final form.

Race Equality

The Commission for Racial Equality announced in September that they will be investigating public bodies including 15 government departments who are failing to fulfil their duty to consider race equality when forming regeneration plans. Trevor Phillips, chair of EHRC told the Conservative Party delegates that the new Commission would almost certainly take legal action against the departments including the Department for Communities and Local Government who had been found to be failing their race equality duty. He said that there is *'too much focus on getting people to follow bureaucratic procedures and not enough on making sure that they change people's life experiences.'*

According to a citizenship survey by the Communities and Local Government for the first quarter of 2007-08, 56% of people felt there was more racial prejudice than five years ago. Other findings showed that the most frequently specified reason for why people felt that they had been turned down for a job in the last five years was because of their age (20%) - however, among minority ethnic groups, the most frequently specified reason was their race (24%).

Religious Hatred

Incitement to religious hatred became a criminal offence on 1st October following the commencement of the Racial and Religious Hatred Act 2006. The reference to 'religious belief or lack of religious belief' is a broad one, and is in line with the freedom of religion guaranteed by Article 9 of the European Convention on Human Rights.

Equality 2025

Equality 2025 is the UK's Advisory Network on Disability Equality. It is holding its first public meeting on 12th November to get the views of disabled people on issues they would like the government to address. Two new members have been appointed: Dr Gary McGladdery and

Pauline Latcham. Ms Latcham identifies as a Deaf person and is a British Sign Language user.

Details about the Network can be found at: officefordisability.gov.uk

Gypsies and Travellers

Communities and Local Government published guidance on the assessment of the accommodation needs of Gypsies and Travellers. It sets out why an Accommodation Needs Assessment has to be done, what it should produce, whom it should survey and 'key differences between the Gypsy and Traveller community and others' and the practical implications of these differences - how accommodation needs differs from that of the settled community.

The guidance aims to provide advice but the exact approach would be adapted to local circumstances.

Rights and Dignity of the elderly

A Charter of Rights to Care for Older People was unveiled in October by Age Concern Northern Ireland. Law Centre Northern Ireland has also recently presented a report to the UK Joint Committee on Human Rights and took a case to the House of Lords demonstrating that older peoples' rights to care are often at risk and can be ignored. Speaking at the launch, the chair of Age Concern Northern Ireland said: *'It is unfortunate that the Human Rights Act does not offer protection for older people within private care homes but we believe that respect for the rights of older people should be at the heart of the care provided for them.'*

Immigration: Law Centres protecting Fundamental Rights

Annual Conference 2007
23rd and 24th November 2007

MIC Conference Centre, 81-103 Euston Street
London NW1

Guest Speakers include

Lord Hunt of Kings Heath OBE
Minister for Legal Aid at the Ministry of Justice
Shami Chakrabarti, Director of Liberty
Andrew Holroyd, President of the Law Society
Paul Newell, Legal Services Commission

Booking Fee: £130.00 for two days. £65 for one day.
Call Lucy on 020 7428 4410

Employment News

TUC Research on Vulnerable Workers

Earlier this year the TUC established a Commission on Vulnerable Employment. The Commission is undertaking a major investigation into the causes of, and solutions to, unfair treatment at work in the UK. Part of their work involves a comprehensive programme of new research, which they hope will better enable them to understand how exploitation in the UK labour market can be prevented.

One of these projects is to undertake a survey of the views of front line employment rights specialists from Law Centres and CABs, considering advisors views on vulnerable work, and how we can work together to end it. The University of the West of England (UWE) has been appointed to undertake a survey and will be asking for advisors views on vulnerable work, and how we can work together to end it. In particular, the survey will consider experiences of supporting clients to challenge exploitation at work, views on the extent of the problems workers face and policy and practice solutions that could serve to tackle vulnerable employment. They are also interested to know how trade unions and local advice services could better support each other's work.

The research will follow rigorous ethical standards, and all interviews will be treated as confidential. All findings in the final report will be anonymised. The TUC say, *'We recognise that Law Centre employment specialists work extremely hard under the constraints of both limited time and resources. We can therefore assure you that the interview process should not take more than an hour of your time. To acknowledge your participation we would also like to provide each Law Centre that participates with a £30 collective gift to thank them for the time and commitment they give to the study.'*

This is a really important piece of research and should receive good coverage. Please do bear with us and I hope all employment workers will be able to respond, even if it is quite lengthy. Unfortunately, there is quite a short time scale for this research and you will be hearing from the researchers (Professor Anna Pollert) very soon !

Vulnerable Workers Project

The TUC and BERR (Department for Business, Enterprise and Regulatory Reform) launched a Vulnerable Workers Project at Tower Hamlets Law Centre on 6th November. The project is backed by the unions and is aimed mainly at the low-paid such as cleaners, security guards, receptionists and maintenance workers. It is part of a nationwide campaign to make the workforce more aware of employment law. Three weekly drop-in surgeries are being held in the East End of London, including a session on Fridays at Tower Hamlets Law Centre. The Project is also funding training for local people to train for free as supporting volunteers in employment rights. The number for the Project is 020 7377 0773.

Legislation

A number of legal changes came into force on 1st October. This included an increase in statutory annual leave, an increase in the minimum wage and the rights to request flexible work extended to foster carers and their spouse, partner or civil partner. The date for implementing the extension of Statutory Maternity Pay, the Maternity Allowance and Statutory Adoption Pay from 39 weeks to 52 weeks and the plan to introduce Additional Paternity Leave and Pay has been delayed for one year. Implementation was planned for April 2009 but will now take place on or after April 2010.

Statutory Annual Leave

The statutory holiday entitlement was increased to 4.8 weeks (24 days if you work a five day week) and to 5.6 weeks from the 1st April 2009, pro-rata for those working part-time. This is in addition to bank holiday entitlements. Part-timers are entitled to pro-rata time-off for bank holidays, whether they usually work that day or not. A tool to help calculate the new leave allowance is available on the Business Link website.

The Working Time Directive bars employers from carrying holiday forward into the following year or paying workers for holiday instead of giving them the time off.

Minimum Wage

The new rates are £5.52 per hour for workers aged 22 years and older, £3.40 per hour for all workers under the age of 18, who are no longer of compulsory school age. There is a development rate of £4.60 for workers aged 18 - 21 inclusively. The British Youth Council is calling for an equal national minimum wage for everyone aged 16 and over. The Council argues that the tiered minimum wage *'contravenes the spirit, if not the letter of the Employment Equality (Age) Regulations.'*

The first criminal prosecution for not complying with the national minimum wage was reported in August. It was against a children's nursery owner who was fined £2,500 with £500 costs for obstructing a compliance officer. The case was prosecuted by the Revenue & Customs Prosecutions Office. There are six offences in all: employer refuses or willfully neglects to pay NMW; person fails to keep or preserve records, person knowingly causes or allows false entry in records; person produces or furnishes false records or information; person delays or obstructs a compliance officer, or the person refuses or neglects to answer any questions or produce documents for a compliance officer.

The National Minimum Wage helpline is 0845 6000 678. As well as receiving complaints, the helpline also offers advice and information.

Employment Tribunal Statistics

The number of cases brought increased last year by 15% - from 115,039 to 132,577. Just 8% of submitted claims were rejected. Much of the increase was due to the substantial number of local authority equal pay claims. The EAT heard 432 cases at a full hearing, a decrease of 22% on the year before.

Retirement and Age Discrimination

The European Court of Justice has handed down an opinion that holds that the EU Equal Treatment Framework Directive does not prohibit member states from introducing mandatory retirement ages. This was justified as it was a proportionate means of achieving the legitimate social aim of promoting employment opportunities and reducing unemployment. The case was *Palacios v Cortefiel Services SA*.

Research carried out by the Centre for Research into the Older Workforce (on behalf of the DWP) found evidence that firms (70 in the study) were changing their retirement and recruitment policies and procedures. For example, some had formalized job specifications to specify skills required rather than stipulating a certain number of years of experience.

Religious Belief

The EAT has dismissed an appeal in which it was suggested that a Rastafarian who wore his hair in dreadlocks was discriminated against because of his religious beliefs. The tribunal and EAT accepted, without demurral, the employer's concession that Rastafarianism is a religious belief within the meaning of the Employment Equality (Religion and Belief) Regulations 2003. However, the EAT did accept that employer's argument that it was legitimate to have rules requiring tidy hair (irrespective of whether it was worn in dreadlocks).

Flexible Working

BERR (the Department for Business, Enterprise and Regulatory Reform) has asked Sainsbury's Human Resources Director to lead an independent review to determine how the current right to request flexible working can be extended to parents of older children. The reviewers have been asked to make recommendations to the Secretary of State in spring 2008. It will be followed by a formal consultation.

The announcement coincided with the publishing of a Work-Life Balance Employers Survey which reported that 14 million employees work flexibly, or have done so in the last 12 months, with arrangements including working from home so they can care for their family, working part-time, compressed hours, flexi-time or other arrangements agreed with their employer.

Workplace Stress

The Health and Safety Executive provides materials and resources on causes of stress at work and guidance on how to identify and solve problems. It includes a section on Good Practice. Visit 'Work-Related Stress' on their website: hse.gov.uk.

Immigration News

Reforming Controlled Legal Representation (Asylum)

The existing (and recently revised) public funding arrangements for asylum appeals is failing those it is ostensibly intended to help. Increasing numbers of asylum seekers are being wrongly refused Controlled Legal Representation (CLR) for their asylum appeals by suppliers worried that they will lose their contract with the LSC if their overall success rate on asylum appeals falls below 40%. This is an issue that the LSC appears to be aware of, as their recent efforts to gather information on how CLR is being administered by legal practitioners would seem to indicate. What the LSC is probably unaware of is the extent of the problem. With funding from both the Lankelly Chase Foundation and the A B Charitable Trust, Devon Law Centre (DLC) has recently set up the 'Asylum Appellate Project' to measure just that.

As a charitable entity, DLC now undertakes, within the limited capacity of the project, to help any asylum seeker in Devon and Cornwall appeal against a refusal of CLR regardless of the merits of their case. What the project has thrown up in its first five months of operation makes for interesting reading and should certainly give the LSC pause for thought. Of the twelve appeals submitted to the LSC during this period, nine have been successful. On those very limited figures, it would suggest that 3/4 of all asylum seekers are being wrongly denied CLR. When the LSC set the 40% threshold it appears to have failed to anticipate quite how much of a disincentive to taking on asylum cases this would prove to be.

The LSC also seems to have failed to consider that by devolving powers to suppliers to grant CLR it was making the right of appeal against a refusal of CLR virtually redundant. The reason for this is simple. Whilst the LSC took decisions as to whether or not CLR should be granted, it was the suppliers themselves who invariably appealed such decisions. By contrast, now that suppliers decide to refuse CLR, asylum seekers do not have anyone with sufficient legal knowledge and experience to help them appeal the refusal of CLR. In consequence, asylum

seekers are not only wrongly denied CLR but, with the exception of those assisted by DLC, there is effectively little they can do to have such decisions overturned.

The Asylum Appellate Project has also thrown up a couple of additional issues in this area that compound the problem. Firstly, the local Asylum and Immigration Tribunal has shown considerable reluctance to grant asylum seekers adjournments to appeal against refusals of CLR. As a result, asylum seekers are not even given the opportunity to try to appeal against refusals and wrongful decisions go unchallenged. Secondly, even where an appeal against a refusal of CLR has been successful, solicitors often still do not want to take the case on, such is their fear of losing their contract. And yet, this second issue could be easily addressed by the LSC if it excluded such cases from the 40% target suppliers have to hit in their asylum appeals. After all, if the LSC, (or the Funding Review Committees who adjudicate appeals against refusals of CLR), has assessed the merits of a case it makes no sense to then take that case into consideration when looking at whether a supplier is correctly applying the merits test. DLC is currently working with Immigration Law Practitioners Association to address both these issues.

DLC recognises that the Asylum Appellate Project is on far too local and small a scale to address the extent of the problem or even to produce statistically significant results to accurately quantify the extent of the problem. What is hoped is that by running what is, in essence, a pilot project it can address some of the issues and attract further funding for similar initiatives on a national level. To that end it is working with the Law Centres Federation with a view to launching just such an initiative.

Jean-Benoit Louveaux is a barrister working for Devon Law Centre on the Asylum Appellate Project.

The project will be discussed in further detail at a workshop held during the Law Centres Federation Conference in November.

UK Borders Act

The Bill has now received Royal Assent. It introduces

- * a Code of Practice to keep children safe from harm which the Border and Immigration Agency will have to regard when dealing with children;
- * compulsory ID cards for foreign nationals;
- * provides new powers to immigration officers allowing them to detain at ports individuals they suspect of having committed a crime, to arrest those they believe to have fraudulently been acquiring asylum support and to access HMRC data to track down illegal immigrants;
- * Extends powers to enable the prosecution of those who facilitate or traffic from abroad, even if their crimes were committed outside of the UK.

Trafficked Children

On 19th September, UNICEF UK and ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes) UK published a report, 'Rights here, Rights now: Recommendations for protecting trafficked children' saying that despite recent moves made by the UK Government to demonstrate its commitment to tackle child trafficking, there are still significant gaps and inconsistencies in child protection standards in the UK compared to international standards. The report calls for solutions including providing each trafficked child with a guardian to uphold their best interests, ensuring data on child trafficking is monitored and reported to Parliament, and providing trafficked children with renewable residence permits to secure their legal status.

Rochdale Training

This autumn two solicitors at Rochdale Law Centre are offering training on becoming an immigration adviser. The hands-on experience takes place at Rochdale Law Centre, at immigration courts, in prisons and in small groups at various times of the week and is offered to unemployed people living in the borough.

Access to Services and Facilities

The Border and Immigration Agency wrote recently about the draft Immigration and Asylum (Provision of Services or Facilities) Regulations 2007. A deadline of 6th November was given for views. The Immigration Law Practitioners' Association prepared a response which can be found on the LCF website in the members' section under immigration. You can also find it on ILPA's website: ilpa.org.uk. ILPA also have updates on 'Legacy Cases'.

Women Asylum Seekers

Asylum Aid has a specialised Refugee Women's Resource Project providing legal advice and representation to women asylum seekers. Their focus is on women and girls, under 18 who are seeking asylum because of their political activities or because of gender persecution such as domestic violence, forced marriage, female genital mutilation or honour crimes. They represent cases from initial application to the appeal tribunal stage, including bail hearings.

Asylum Aid operates a referral procedure for deciding which cases to take on. Their remit is limited to protection cases as defined by the Refugee Convention, EU Qualification Directive and Article 3 of ECHR. They also have their own intake criteria, processes and requirements.

Their services are open to anyone anywhere in the UK. Their advice line is 020 7354 9264 Monday 2.00 - 4.30 and Thursday 10.00 - 12.30.

Migrants

Access to Health Care

Medact, a global health authority is campaigning against a cross-government strategy document 'Enforcing the Rules' from the Home Office which considers whether to charge asylum seekers and undocumented migrants for NHS primary health care. Medact are concerned that such charges could:

- * Deny vulnerable and often destitute individuals the chance to identify serious and sometimes life-threatening conditions which need immediate treatment.

- * Contribute to maternal and infant mortality by delaying or preventing access to maternity care.
- * Increase the likelihood of serious communicable diseases such as TB and HIV going undiagnosed and being transmitted, thus endangering public health.
- * Remove an important source of support for women experiencing domestic abuse.
- * Breach basic international human rights obligations of the UK and entrench discrimination in the NHS.

A briefing paper is available at: medact.org. Medact has launched a campaigning petition to convince the Home Office and the Department of Health that a policy of excluding vulnerable migrants from NHS care is neither acceptable or workable. They say any such change in regulation must be preceded by a full Health Impact Assessment.

Immigration Contracts

At the end of October the Legal Services Commission published the Funding Code Guidance and a new '*Frequently Asked Questions in relation to Immigration and Asylum*' matters and '*Funding Code Decision Making Guidance on Immigration*'. Law Centres have reported that they have received helpful advice about these and about the Graduated Fee scheme from the LSC's Immigration Policy Team.

Housing News

Proportionate Dispute Resolution

Adam Griffith at the Advice Services Alliance responded on behalf of all the legal and advice networks to the consultation published earlier this year by the Law Commission. In his introduction, ASA said:

'We are not convinced that the Commission has made a sufficient case to justify the changes proposed. It is not clear what the real problems are that the Commission is trying to resolve. As far as possession proceedings are concerned, there is no evidence that the existing system run

by district judges in the County Court is seriously deficient.'

In the LCF response to their first issues paper last year, we expressed our anxiety about the effect the changes may have on legal aid. ASA make this point again saying that there is a real risk that the implementation of the proposals would result in the loss of legal aid for housing cases. *'If housing possession cases, in particular, are transferred to a first tier tribunal, we consider it very likely that the LSC will argue that legal aid should cease to be available as a right.'* In relation to housing disrepair, *'we note the recent acceptance by the Government that the small claims limit should remain at £1,000, thus preserving entitlement to legal aid in relation to claims which fall above that amount. It would be extremely unfortunate if this ... was undermined by the transfer of such claims to the first tier tribunal.'* There was also very little support for the proposal that the first tier tribunal should be able to hear housing benefit appeals.

A copy of ASA's response is on their website: asa.uk.org.

The Law Commission asked for a meeting with the LCF last month to discuss with us the various preventive, strategic and holistic work that Law Centres carry out. This was in response to the examples we gave in our response to their issues paper last year. They were particularly interested in the impact of this type of work. Our thanks to everyone who sent in examples. The information was collated and sent to the Commission. We will let you know of any developments on this front.

Ombudsman

Hackney Law Centre has reported on a recent ombudsman decision. This concerned *H v Hackney LBC* and Secretary of State for the Home Department (NASS)

H was accommodated by LB Hackney under s21 NAA and complained to the Local Government Ombudsman that LB Hackney Social Services had failed to provide payments for her children, as envisaged by *R (O) v Haringey LBC* and their policy guidance. It transpired that for part of the relevant period, NASS had informed LB Hackney that H no longer had an outstanding claim under ECHR article 3 and so the household was not entitled

to support. Following H's complaint through the Home Office's complaints scheme, NASS acknowledged this error and agreed to reimburse subsistence costs of £1507.59. On 25 May 2007, the case settled after the Council made an offer through the Ombudsman of £1751.28 backdated subsistence for the period of their delay (14 months) plus £2000 compensation.

Rights Awareness

Research by Community Legal Service Direct (now Community Legal Advice - see page 6) has revealed that as many as 63% of tenants in the UK are unaware of their statutory rights. Furthermore, they say, that up to 85% of tenants have never sought professional advice when dealing with landlords. This is despite 21% of tenants reporting a problem with their landlords.

Child Poverty

Interim Report

The London Child Poverty Commission issued an Interim Report in September 2007. The report includes useful statistics for all us making the case for London. Among the challenges London faces is that four in ten children live in poverty. In Inner London, one in two children live in poverty. Some groups face higher risks of poverty - such as those living in social housing, lone parent families, and some Black and Minority Ethnic groups. London also has a higher share of groups at risk of poverty. The Commission will be putting forward a set of recommendations for its final report, due in the spring 2008.

More information on: londonchildpoverty.org.uk.

Financial Worries

In a recent poll, more than half of all 16-24 years say money is the issue currently worrying them the most, Barbara Rayment, Director of Youth Access said:

'This poll adds to a growing body of evidence that young people access the expert advice they desperately need all too infrequently.'

Unresolved social welfare problems such as debt and homelessness can have a devastating impact on individual young people's health and well being, as well as having major knock-on effects for wider society and public spending.'

Citizens Advice has launched a viral marketing campaign aimed at 16-24 year olds to encourage them to access advice services. The campaign consists of an online game where young people use a virtual '**Citizens Advice Superhero**' to 'bat away' problems that come towards them. The game can be played at: removeyourworries.co.uk.

The poll was commissioned by Citizens Advice, AdviceUK and Youth Access and was conducted by GfK NOP poll of a representative sample of 2,000 adults aged 16 and over.

CitA report that debt enquiries to bureaux increased by 20% in the last year, accounting for one in three of all enquiries.

Child Poverty Unit

On 29th October the government announced that they were setting up a new unit. It brings together experts from the Department for Work and Pensions (DWP) and the Department for Children, Schools and Families (DSCF). They will develop policy with the Treasury and across Whitehall. The Unit will be located within the DSCF and will begin its work in mid November and will act as the first point of contact for stakeholders and interest groups, local and national government departments and government agencies.

Ed Balls, Secretary of State for Children said,

'Most three and four year olds now have access to free childcare, thanks to £3 billion of annual funding by the government, which helps many parents get back into work. We have also committed to spending £2 billion more by 2010 on public services aimed at breaking the cycles of deprivation - key to meeting our 2020 target. These focus on childcare, raising attainment, improving schools, and reducing health inequalities.'

Welfare Benefits News

CitA and Jobcentre Plus become partners

Citizens Advice announced a new partnership agreement with Jobcentre Plus at their annual conference in September. The agreement aims to improve links and develop good practice in working together. Plans are to be finalised by the end of 2007 *'detailing the activity that will facilitate good communication, regular meetings and updates and information sharing.'*

Take-up Rates

Government figures estimate that up to £9.4 billion is not being claimed in means tested benefits by those who are entitled to it. Earlier this year HM Revenue and Customs figures revealed that up to £4.5 billion of Working Tax Credit and Child Tax Credit goes unclaimed annually, making a total of up to around £24 billion a year. CPAG said *'It is particularly concerning that the take-up of income-based Jobseeker's Allowance has fallen by 13% over recent years, as this is a gateway for the poorest families to other benefits.'*

Conservatives have claimed that the number of people remaining on benefits for more than five years has increased by 600,000 in the last eight years.

Data shows that 33 local authority areas now have more than 10% of their adult population out of work.

Loan Sharks

The Department for Business, Enterprise and Regulatory Reform - De Berr (previously the DTI) has announced that it is settling up new specialist teams to investigate and prosecute loan sharks. They are to offer advice and support to their victims, working together with voluntary organisations and debt advice agencies. £3 million has been provided by the Treasury to establish teams in London, the North East, the East Midlands, the South West and Wales.

Credit Unions

ABCUL, the Association of British Credit Unions has welcomed a Treasury Select Committee Report backing new credit union legislation.

Chief Executive of ABCUL, said, *'We welcome the Committee's backing for specific recommendations for new legislation. Namely, new legislation to include a much more flexible definition of the 'common bond' for membership of credit unions, new legislation to permit organisations to become members and new legislation to permit credit unions to pay interest on savings.'*

More information at: abc.ul.coop

Shorts

Performance Indicators

The Department for Communities and Local Government has announced that performance indicators will be 'culled' from 1,200 to 198 from April 2008. Local authorities can then apply through Local Government Agreements for funding from central government.

In November, Communities and Local Government published 'Strong and Prosperous Communities: the Local Government White Paper - Implementation Plan: One Year On and a draft of national indicators for local authorities. The national indicators will be the only indicators against which local authorities' performance, alone or in partnership, will be reported to Central Government. Local government received 1% real terms rise over the next three years in the recent Comprehensive Spending Review. At the same time there is a 3% efficiency saving target each year. John Healey, Minister of State for Local Government reported on 1st November, *'So along with first - the first - three year settlement for local government we are mainstreaming at least £5 billion a year of grants over the next three years, removing ring-fencing... grants previously paid through specific grants, including those in the LAA grant, will now be moved into general grants. As a result of moving them into revenue support grants and the new area based grant, we will remove the ring-fence on 29 specific grants and reduce the number of specific grants by over a third.'*

'The new Area Based Grant will be paid via Communities and Local Government without component parts coming direct from different departments.'

Bill of Rights

Gordon Brown announced in October that he plans to start a national consultation to draw up a Bill of Rights and establish a written constitution. Earlier this year the Prime Minister signaled his desire to reform elements of British democracy, including the returning of certain powers from the government to parliament.

Office of the Public Guardian

The Office of the Public Guardian (OPG) introduced under the Mental Capacity Act 2005 started work on 1st October. The Office is an executive agency of the Ministry of Justice and its role is to support the Public Guardian in his duties. It will provide protection for people lacking the mental capacity to make decisions themselves. The OPG is also responsible for promoting awareness and providing information about the Act and mental capacity issues. There will also be a new Court of Protection and a new Lasting Power of Attorney (LPA). The new LPAs cover personal welfare as well as finance and property decisions.

Administrative Justice and Tribunals Council

The new council was launched on 1st November to replace the Council on Tribunals. The AJTC is a new advisory non-departmental public body which keeps the overall administrative justice system under review. It is based at 81 Chancery Lane, London WC2. Tel: 020 7855 5200.

Compensation Act 2006

The Act was recently referred to in an EAT hearing where that it was said that the provisions prohibit non-lawyers from representing litigants (other than for free, or in limited cases such as charities), unless they are formally registered with, and regulated by, the new Regulated Claims Management Service. Breach of the registration requirement is punishable by two years in prison.

TaxAid

TaxAid is a charity funded by the Big Lottery that provides free advice on tax, tax credits and tax debt to the low paid who cannot afford to pay for professional advice. All the advice staff are qualified professional tax advisers. Advisers can be contact on 020 7803 4950 or visit taxaid.org.uk. Their national helpline number is 0845 120 3779 and is open between 10.00 and 12 noon Monday to Thursday. They also provide nation-wide training, e.g. on HMRC debt and overpayment and tax credits. Fee £20.00.

Visible Communities

A new kitemark scheme has been launched by Community Matters. Community Matters will scrutinize governance and service delivery by applicants to determine whether they meet the necessary standards. It is expected that community organisations will use the accreditation to win service contracts, grants and local support. Accreditation will cost between £1,400 and £1,650. More information at: visiblecommunities.org.uk.

NeIIBOOKER

NeIIBOOKER is an online referral system being used in north-east London. It was developed by Hopkin Murray Beskin, a private practice solicitors firm. The system allows reports to be generated that detail the referrals, both successful and unsuccessful, within a borough or sub-region.

Patrick Marples, the director of Lambeth Law Centre can be contacted about using the system in Lambeth. A more complex referral system which includes a booking feature is being discussed.

Social Exclusion

The Social Exclusion Task Force is working with the Government Social Research Unit to develop a Code of Practice for evaluating programmes to help socially excluded groups. The Code is expected in March 2008.

Companies Act

From 1st October changes were made to the Companies Act. Briefly, these include:

- * Every notice of AGM or other general meetings must state members' rights to appoint a proxy (even if Articles say proxies are not allowed)
- * No need for an AGM unless required by Articles
- * 14 days notice for AGMs and special resolutions unless higher required by Articles
- * Written resolutions no longer require agreement by 100% of members.
- * Anyone wanting access to register of company members must give identities and reasons
- * Company directors have new statutory duties
- * New rules on the re-appointment of auditors.

Note that there is now a new streamlined application form for charity registration. More information at charitycommission.gov.uk

Free specialist legal support for lawyers and advisers

The Public Law Project provides free specialist advice with any public law matter to all advisers and lawyers working within the Community Legal Service.

They offer specialist advice and assistance with any public law matter, including:

Social security law - e.g. delays, fairness in adjudication and appeal processes, Discretionary Housing Payments, maladministration.

Community care and health - withdrawal or reduction in services, closure of day centres, individual entitlements.

Education - school reorganisations, admissions & exclusions.

Discrimination in the provision of public services.

Public Funding - access to legal aid.

The telephone advice line is open Mondays and Wednesdays - 2pm to 5pm; Tuesdays and Thursdays - 10am to 1pm. For lawyers or advisers working in an organisation that provides advice as part of the CLS, the phone number is 0808 808 4546. Please note that these numbers can only be used by lawyers and advisers.

For more information, go to: publiclawproject.org.uk/SpecialistSupport.html

Funding News

Big Lottery Fund Advice Plus

Round Two will fund third sector legal advice services that collaborate with other advice services in their local area. Advice Plus will only fund projects focusing on legal rights and responsibilities. Funded projects must deliver all of the following outcomes:

- * People in greatest need have better access to legal advice services that help them to avoid or overcome disadvantage and improve their lives.
- * People in greatest need receive timely, accurate and effective legal advice that is quality assured and joined up with other services, so they are better equipped to deal with their problems and improve their lives.
- * People in greatest need avoid disadvantage because commonly encountered legal problems are identified and prevented.

Funding will only be open to those groups who are eligible to apply and can answer yes to all these questions:

- * Are you a voluntary and community sector organisation?

Networking..

- * Do you have an idea for a project that will improve people's access to legal advice on their rights and responsibilities?
- * Does your project involve working in partnership with all or most of the voluntary and community organisations that deliver legal advice services in your area, as well as other relevant statutory and commercial advice organisations?
- * Can you explain the need for the project in detail and who will benefit from it ?
- * Do you need between £10,000 and £500,000 for a project lasting from one to five years?
- * Will your project raise the quality of legal advice services?
- * Can you sustain the benefits of the project when our funding ends?

Regional seminars are taking place during November to inform groups about Advice Plus. The closing date for applications is **1st April 2008**. The maximum grant is £500,000 and the minimum £10,000.

Community Assets Programme

The £30 million Community Assets Programme funded by the Office of the Third Sector and delivered by the Big Lottery is a programme to enable third sector organisations to have greater control over the assets they use, such as community buildings. It will facilitate the transfer of genuine assets from local authorities to third sector organisations for their use as a community resource. The programme offers grants of £150,000 to £1 million for refurbishment. The bidding round closes on 15th November. Application materials are available on the Big Lottery website: biglotteryfund.org.uk.

Our apologies to Advice for Life for not including an award to £240,000 from the Lottery's Advice Plus programme to support the work the Cambridgeshire Law Centres.

Tudor Trust

Tudor Trusts' Funding Guidelines were updated on 1st April 2007 and now include a disability focus. Their guidelines are available at: tudortrust.org.uk/usefuldocuments/funding_guidelines_0708.

ESF Programme

A new ESF Programme has been announced for 2007-2013. The programme will invest £4 billion, of which £2 billion will come from the ESF, over seven years in two key priorities:

- * Extending employment opportunities by tackling barriers to work faced by people who are unemployed or disadvantaged;
- * Developing a skilled and adaptable workforce by training people who lack basic skills and good qualifications.

All regions will benefit. Key target groups include unemployed people, disabled people, lone parents, older workers, ethnic minorities, low skilled people and young people not in education, employment or training.

Comic Relief

Comic Relief's Red Nose Day Programme funds up to six open programmes broadly focused on refugees and asylum seekers, young people, older people, domestic violence, disadvantaged communities and mental health. Law Centres can apply for up to £100,000. The next deadline is in February 2008. They also have a fast track small grants programme for funds up to £5,000. Details at comicrelief.com/apply-for-a-grant/uk or call 020 7820 5555.

Working Neighbourhood Fund

A new Working Neighbourhood Fund was announced with the Comprehensive Spending Review. A £2 billion funding pot will offer support between 2008 and 2011. The allocation includes the New Deal for Communities programme, The Department for Communities and Local Government could not say at this stage whether or not the Neighbourhood Renewal Fund would continue after 2008, although they have indicated that could take on more of an economic emphasis and possibly focus more intensely on fewer areas.

This may or may not be related to the above, but at the same time, the new Chancellor, Alistair Darling said that £515 million had been earmarked for the voluntary sector in 2008 -2011 to help build strong communities and deliver public services. He said that this included a £50 million fund to help local foundations develop

sustainable community endowments, a £10 million investment in community organisations and £117 million for youth volunteering to develop the work of the charity. Cabinet Minister, Ed Miliband said that the new allocations would create an environment that enabled campaigning, strengthened communities, transformed public services and encouraged social enterprise.

Community Cohesion

Community Secretary, Hazel Blears announced that they will be increasing the amount of money they give to local authorities to spend on community cohesion projects - £50 million over three years from £2 million in 2007/08. The Minister suggested some ideas that councils may wish to take up. These included 'Citizens Days' Information Packs for new migrants setting out rights and responsibilities, spending on integration and cohesion teams, overhauling translation policies, 'so local authorities only translate 'where necessary'. It could also include youth projects and conflict resolution. Two new indicators of cohesion are to be added to the Public Service Agreement.

The government has now scrapped the Respect Taskforce led by Louise Carey. A new **Youth Taskforce** led by Anne Weinstock has been set up by the Department for Children, Schools and Families (DCSF) and will be responsible for encouraging young people to have respect for the community. The new taskforce will take over responsibility for preventing and tackling anti-social behaviour and will be establishing Millennium Volunteers and the Connexions Service.

Conferences

WASP - Women Asylum Seekers from Pakistan Conference is being held on Friday, 7th December at the Chancellors Conference Centre in Manchester. Conference fees £117.50 inc. for voluntary, not-for-profit and charitable organisations.

Speakers, Hina Jilani, Pragna Patel, Melainie Plimmer and Alison Stanley. Contact the project workers: Nadia Siddiqui (nadia@smlc.org.uk 0161 248 1879) or Sajida Ismail (sajida@smlc@orguk 0161 248 1884).

Housing Law Conference organised by the Housing Law Practitioners' Association. The conference 'Access to Housing Rights' takes place on 14th December at the Royal College of Physicians in London. Fee for the voluntary sector is £190.00. To book email: bookings@profbriefing.co.uk.

New Approaches to the delivery of legal services. Legal Services Research Centre's International Research Conference taking place on 18th to 20th June 2008 in Greenwich, London. The organisers have asked for proposals for papers concerning access to justice. The deadline is 30th November 2007.

Empowerment, Welfare Work, In Work, Better Off ? Conference organised by Staffordshire University on 22nd November. £60.00 Details at: staffs.ac.uk/law.

Training

The Ombudsman and Non-Litigation Remedies Advisers' training day on 26th November taking place at Shelter's Training Venue at the London City Forum. £60 plus VAT. Contact Public Law Project on 020 7697 2191 or email: p.powell@publiclawproject.org.uk.

Diversity Planning is a new course provided by the Centre for Strategy and Communication. £185 for one day. They provide a range of courses covering management, communications, administration and writing. Visit: the-centre.co.uk for further information or call 020 7490 3030.

Employment Discrimination

Chesterfield Law Centre has organised a series of training sessions on employment discrimination. Their next course is on 'Tackling Racial Harassment and Discrimination at Work' on 6th December, 'Sexual Orientation, Religion or Belief' on 17th January, 'Age Discrimination at Work' on 20th February, 'Tackling Bullying at Work' on 13th March, and 'Dealing with Stress' on 27th March 2008. Training is provided by Hilary Nelson who used to work at Sheffield Law Centre and who has now started her own employment law consultancy. The courses are free. Information from Anne Frazer or Teresa Waldron on 01246 550674.

Note: *Training providers are now listed in the Members' section of the LCF website under 'Courses'*

Books

Employment Law: Adviser's Handbook. Seventh edition by Tamara Lewis, Central London Law Centre and published by Legal Action Group. £30.00

Employment Tribunal Claims: Tactics and Precedents. Second edition by Naomi Cunningham and Michael Reed. £30.00

Community Care and Law. Fourth edition by Luke Clements and Pauline Thompson. £48.00

Supported Housing and the Law by Sue Baxter and Helen Carr. This is the first book designed to equip the providers of supported housing, their advisers, and service users with an accessible and user-friendly introduction to the law governing supported housing. £25.00.

Gypsy and Traveller Law. Second edition by Chris Johnson, Community Law Partnership and Marc Willers. £30.00

The Adviser's Toolkit: Giving Legal Advice by Elaine Heslop, previous Law Centre worker and now freelance legal trainer. £22.00.

All the above books are published by Legal Action Group. Contact number: 020 7833 2931 or email: lag@lag.org.uk. Add £3.50 for p&p.

Guide to the Human Rights Act 3rd edition published on 12th September by Law Centre Northern Ireland based in Belfast. 'Rights in Progress' by Les Allamby, the director of the Law Centre aims to tackle some misconceptions about human rights laws and explain how the Act can be used to advance people's civic, economic and social rights. This latest edition includes recent cases in the European Court of Human Rights and in domestic courts in Northern Ireland, England, Wales and Scotland. Information from Les or Catherine Couvert on 028 9024 4401.

Leaflets

Principles of Good Administration and now Principles for Remedy. Two new leaflets from the Parliamentary and Health Service Ombudsman. The Ombudsman, Ann Abrahams said that these contain the principles they believe public bodies should use when considering remedies for injustice or hardship resulting from maladministration or poor service. Visit: ombudsman.org.uk.

Reports

Is it Seaworthy ? Assessing and Funding the Capacity of Voluntary and Community Organisations published by the Association of Charitable Foundations, the Governance Hub, UK Workforce Hub and ChangeUp/Capacity Builders in September. The paper is to help those who are funding and supporting the voluntary and community sector.

Full Employment and World Class Skills. The Work and Pensions Select Committee published their report on 30th October. Referring to the government's policy on lone parents, CPAG said, *'No attention has been given to job retention for lone parents, which is actually the key problem for the group. No evidence has been given in support of proposals to use sanctions that cut benefits for lone parents with primary age children. No assessment has been made of how proposals will impact on parents with disabled children'*

They recommend that *'Government must focus attention on the barriers keeping lone parents out of sustained employment. These are poor pay, inflexible hours, lack of childcare and lack of education and training opportunities.'*

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

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