

SILENCED

The people who would be denied justice by the cuts

The government wants to cut the 2.5 per cent of the legal aid budget, which enables the UK's poorest people to keep their jobs, stay in education and escape destitution and debt.

The Law Centre cases below would no longer be funded by legal aid if the proposed cuts go ahead.

The cases show that:

- The cuts would leave the country's most vulnerable people at the mercy of bosses who break the law, unscrupulous landlords, violent partners and aggressive creditors
- The cuts would end up costing the government more than they save because, without legal advice, many people would end up jobless, homeless and reliant on state help. Early legal advice can save the public purse up to £10 for every £1 invested
- The government is wrong to argue that people can represent themselves. Many of the people that Law Centres help are not able to summarise their case, research relevant case law, prepare witness statements and follow detailed legal argument.
- It is very unlikely that the people we assist would call a telephone helpline. They are vulnerable and find it difficult to understand complex documentation. The government's proposal to make a telephone service the only way to get legal advice would likely make these people and their problems invisible.

All names have been changed.

EMPLOYMENT

I was fired for making a minor mistake

Simon was fired from a large retail chain for making a minor mistake, despite having worked there for eight years. He made a mistake on the till one day, which cost the store a very small amount of money.

His employer treated this as an issue of gross misconduct and, following an investigation and a disciplinary meeting, dismissed him without notice.

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

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

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

Rashida is Tunisian. She had worked for her employer as a cleaner for six years. Her supervisor gave her permission to take one month's leave to visit her dying mother in Tunisia. However the supervisor failed to notify her manager of this agreement and the manager sent Rashida a letter terminating her employment because he thought she was absent without leave.

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

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

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

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

EDUCATION

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

Tariq was severely bullied at school and was refused admission to an alternative school. Tariq was suffering from psychosomatic pains and general distress. Tower Hamlets Law Centre drafted submissions to the Independent Appeal Panel setting out his case.

The Independent Appeal Panel allowed the appeal and he was admitted to the alternative school of his choice. Tariq is now continuing his education, free from the severe stress of bullying.

I had no education for five months

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

David missed out on schooling for five months as there were no other schools in the area with facilities for a child with his needs.

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

The solicitor then helped David's father put his case to an Independent Appeal Panel. He won, and David is now back at school.

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

DEBT

My mum got into debt while suffering from Alzheimer's

Sandra's mother had got into debt whilst suffering from the early onset of Alzheimer's disease. She was being harassed for the money she owed. This was the second time that the same company had tried to pursue her, even though they were aware of her diminished mental capacity at the time that she took on the debts.

Coventry Law Centre was able to get medical evidence from Sandra's mother's GP that explained her mother's circumstances when she got into debt.

This was presented to the creditor along with a letter that showed this was the second time that the company had attempted to recover debts from this individual. In the face of this evidence, the company backed down and agreed to write off the debt.

I was told to pay a £20,000 debt which wasn't mine

Sarah left her debit card and PIN in her bag at college one Friday. When she came in on Monday, she found the bag had been stolen. The thief used her account to deposit £20,000 and then withdrew the money. Later, this money was found to be laundered. Sarah's bank held her liable to reimburse the £20,000 on the grounds that the loss was due to her negligence in allowing her bank identity to be stolen.

Sarah came to Lambeth Law Centre to ask for help with getting extra time to pay. She had not thought of making a complaint about being charged this sum, let alone of arguing that the debt was not hers to pay.

Lambeth Law Centre submitted that the bank should have noticed that the £20,000 deposit was abnormal in the bank account of a young mother where no large transactions had previously been seen, and the bank should not have allowed the deposit to be withdrawn so unquestioningly. The Financial Ombudsman Service agreed and Sarah was released from the £20,000 liability.

HOUSING

My landlord locked me out of my home

Joseph had lived with his family in a rented property for two years when his housing benefit came up for review. He had difficulty securing evidence from his employer, and as a result, his housing benefit was cancelled. His landlord began to harass him for his rent, phoning him at all hours of the day and using threatening and abusive language. This escalated to a brick being thrown through the window, terrifying the family.

A few days later Joseph was phoned at work by his wife to say that they had been locked out of the house. Gloucester Law Centre contacted the landlord explaining the illegality of his actions and the potential consequences of his actions should he not let Joseph and his family back into the property immediately.

With no response from the landlord, the Law Centre found alternative accommodation for the family, while they secured legal aid to obtain an injunction from the County Court to compel the landlord to let Joseph and his family back into the property. Joseph and family were restored to the property and the Court awarded damages and costs to him in order to compensate him for the landlord's behaviour.

My home stank but the landlord wouldn't stop the leak

Margaret is disabled and house-bound. Her balcony had been leaking for years, saturating her living room ceiling. Part of the ceiling collapsed. Her landlord patched it up but did not decorate or repair the cause of the leak.

The ceiling continued to get wet. The property stank as a result and Margaret was unable to have visitors. Although she was house-bound, she had to make arrangements to stay out of her home for as long as possible in the daytime to avoid being in her damp and smelly home. She became depressed and isolated and came to Southwark Law Centre for help.

Once the Law Centre intervened, the landlord carried out the appropriate repairs and decorated her ceiling. The landlord also paid damages and costs.

Margaret was relieved and very happy to have, finally, a living room and a home she could live in. If the government's proposals go ahead, Margaret would be unlikely to get help as it would be hard to prove her life or health would be at serious risk if the repairs were not carried out. However, once the repairs were done, they had an immense positive impact on both her life and health.

IMMIGRATION

I escaped domestic violence

Amina came to the UK in 2006 and was given a two-year visa as the wife of a British citizen. Her husband did not allow her to apply for indefinite leave to remain – instead he applied for an extension of one year and then allowed her visa to lapse.

He subjected her to domestic abuse and she and her three young children were removed from the family home and placed in a refuge. During criminal proceedings against her husband, he followed her back to the refuge and was seen on CCTV damaging the car of a worker there. Coventry Law Centre helped her to obtain indefinite leave to remain in the UK so that she can bring up her children in safety.

My mother didn't speak out because she feared deportation

Rupa, the eldest daughter of a Bengali family, approached Rochdale Law Centre because her step-father was abusing her siblings and her mother.

He was locking them in the house, abusing them sexually, beating them, and depriving them of food.

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

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

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

WELFARE BENEFITS

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

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

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

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

I fled my abusive husband and faced destitution

Amma, a Ghanaian national, entered the UK lawfully as the wife of an EU national living and working in the UK.

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

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

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

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

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