ISSUE 3 - April 2013

Intouch

legal action for the community
coventry law centre

Coventry Law Centre's Spring Edition Newsletter

Inside this issue:

Lord Bach speaks out 2

Trainees qualify 2

Challenging discrimination 3

Visitors from 3

A word from our chair 4

R.I.P. LEGAL AID

Yes it's finally happened. Despite a valiant campaign, from 1st April, **legal aid funding for Welfare Benefits advice, almost all face to face Debt advice, Employment advice, almost all Immigration advice and some Housing advice ended.**

The timing couldn't be worse. The systemic and legal changes introduced by the Welfare Reform Bill mean issues of accurate assessment and challenge of DWP decisions are inevitable, especially during the transition period.

Already, even before the main changes under welfare reform have begun to impact, the demand for benefits advice is rising: and the numbers of appeals at which we are representing has increased by 37% in 12 months.

Nationally, March 2013 saw the highest number of appeals on ESA sent to tribunal in a single month (54,000) DWP forecasts expect numbers to continue to rise: from 370,800 new appeals in 2011-12 and about 505,000 in 2012-13, they expect 630,000 this year and 680,000 in 2014-15.

We also expect that the 'bedroom tax' and the transfer of housing benefit to Universal Credit will increase the numbers of people who struggle to pay their rent and so we expect to see an increase in people in debt and facing eviction.

All employment advice is taken out of scope with the exception of discrimination claims, despite Government recognition that access to employment rights and advice play a key role to "enforce, or provide the means for individuals to enforce, fundamental employment protections." We agree to some extent with the Government that conciliation is preferable to dispute resolution in tribunal, but would point out that conciliation is assisted by advice.

Lord Neuberger, President of the Supreme Court, recently highlighted in a BBC interview his concern about the potential increase in the number of people who represent themselves in court because they cannot afford or get legal aid for a lawyer,. "This will mean that court hearings will last longer, the burden on court staff and judges will increase," he said. "And you may find the savings the government thinks it's making in legal aid will be offset in other costs of courts and judges and court staff in supporting litigants in person."

The impact on the Law Centre will be to remove from our income over £200,000 per year. We are working hard to find new ways of replacing some of this funding and we are very grateful that Coventry City Council is maintaining its grant to us. But, inevitably, we will find ourselves having to turn away people who need our help because we have already lost some staff and it is likely that we will need to lose more to balance the books.

1st April 2013 will go down in history as the day when equality before the law in the UK suffered a major blow.

Stop Press!

See the premiere of the video made by British Gas about Doreen, our client, and Wendy, our Fuel Debt and Energy Advisor.

http://www.britishgas.co.uk/about-us/investing-in-britains-future/helping-those-most-in-need/what-does-it-do.html#.UUzfcRe-2So

Lord Bach speaks out

Lord Willy Bach,
Patron of Coventry Law Centre

The Coalition Government boasts about its record in the Justice area, but these claims must ring very hollow to hundreds of thousands of our fellow citizens who will no longer be able to obtain access to justice, writes *Lord Willy Bach*.* This may sound absurd, but it is no exaggeration.

No legal aid

As part of their legal aid reforms, in the vast majority of cases from 1st April, it will no longer be possible to get legal aid in order to receive legal advice in the field of social welfare law – otherwise known as the law of everyday life – that means welfare benefits law, debt law, employment law and the majority of housing law

Failure to act early.

This legal advice, if given early, can often sort out the legal problem, change lives for the better, and help avoid the enormous cost to both the individuals and families involved as well as the State itself when matters are allowed to get out of hand.

This legal help is presently given by Law Centres, the CAB and other advice agencies, and by some law firms, many of whom will be certain to close.

Value for money

The advice given is quality advice and it comes cheap – around £150 a case. Its value for money cannot seriously be questioned.

**This is an extract from an article that first appeared in 'The House Magazine'*

"When it is abolished, what are the people concerned – often the poor, the disabled, and the marginalised – going to do if, for example, the DWP has got their benefit entitlements wrong, as so often is the case? Where are they going to get access to justice? If they cannot, how is this acceptable in a country that prides itself on its justice system, and in particular on equality under the law?"

Trainees qualify

"Amid the doom and gloom of the cuts to legal aid, there is still hope"

Lord Bach said he was thrilled to know that two new social welfare law solicitors have just qualified.

Our trainees, Ravinder Bains and Lydia Nash have both finished their training contracts.. They will each attend their admissions ceremony at The Law Society offices in Chancery Lane later in the year.

Rav is specialising in immigration law and Lydia in Housing. and Community Care.

Lord Bach with Rav and Lydia

Justice for client who suffered discrimination at the gym

We recently represented a client who has cerebral palsy. He started going to Bannatyne Fitness clubs in Sutton Coldfield and Brindley Place Birmingham in 2008 and he would have massages, facials, pedicures and manicures. He had a number of treatments without any problems but on three occasions he was sick. As a result our client was refused treatments and told he had to get a letter from his GP to say that he was fit enough to have massages. He stopped having any massages for about a year and then went to his doctor to get a medical note to say he was fit to resume his massages. Bannatyne Fitness queried his note and put conditions on who he could receive treatments from. Our client complained because he had been declared fit. Shortly after complaining he received a letter from Bannatyne's solicitors informing him that he had been banned from using any of their services on the grounds of health and safety.

Coventry Law Centre assisted him in bringing a claim of Disability Discrimination and victimisation against Bannatyne Fitness and, despite overwhelming evidence, Bannatyne Fitness would not apologize or settle the case prior to a two day hearing at Coventry County Court.

During the trial Bannatyne Fitness accused our client of being violently sick over staff members and produced internal emails which said that Mr Kumar was 'a loner' and that he 'just liked a massage from the girls'. They also tried to get him to drop the case by threatening to write to the Legal Services Commission who were funding the case, to say that the case was weak and that they should withdraw funding

The Judge at the trial hearing, Mr Recorder Potts said in his judgment that Bannatyne's insistence on doctors' letter even after a certificate of fitness had been provided, in itself amounted to excessive formality. Furthermore in the face of the doctor's opinion, it was irrational and therefore unreasonable to suggest that there was a health and safety reason justifying their stance. The judge also Said Bannatyne's ignorance of the Code of Practice in respect of disability and the lack of formal training for their staff on equality issues suggested that Bannatyne had a culture and practice which was not sensitive to issues of disability. Our client was awarded £12,500 in compensation.

Elayne Hill, Senior Solicitor at Coventry Law Centre said 'this case took nearly two years to complete and was a long a difficult process for Mr Kumar to go through. He was very fortunate to have the benefit of a specialist lawyer and to have his case funded by the Legal Services Commission. Unfortunately, due to funding cuts by the Legal Services Commission, Coventry Law Centre may not be able to assist other people in a similar position because no more direct funding is being provided to organizations such as ours. From 1 April 2013 people who qualify for legal aid will only be able to access Legal Advice on discrimination matters through a telephone gateway service, with limited face to face advice which may not even be in their locality. 'Without legal aid many advice agencies across the country will not be able to afford to employ a specialist discrimination lawyer and many more people will be denied access to justice.

Visit from Singapore students

Here's a photo of the visit by Temasek Polytechnic Law & Management UK Study Trip 2013. 42 students and their lecturers spent a couple of hours with us so they could understand the role of Law Centres in the UK justice system.

Now we have made the link we are in discussion about potentially offering 3 month internships to their students.

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A word from our Chair, Professor Harinder Bahra

Professor Harinder Bahra

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Coventry City Council adopts pioneering approach to shape Advice services

The next several years will be a challenging time for the public and third sector. The Coalition Government's austerity measures will have far more reaching implications and if left unchecked may lay waste to our inner cities. There is no doubt that some changes to control public spending are needed. However, these spending cuts need to be implemented sensitively so that the social fabric of our society is not eroded. There is evidence to suggest that inequalities will be exacerbated and the gap between rich and poor will increase leading to social unrest and social exclusion. It is therefore incumbent for all political parties to leverage their collective intellectual capital to provide joined up solutions which knit communities together rather than tear them apart.

The comments by Lord Bach and other contributors in this newsletter have set out the implications of Legal Aid reforms and how individuals will be denied justice through lack of representation. The small savings made by these reforms seems likely to aggravate the situation by moving the 'problem' to elsewhere in the system and increasing overall costs.

Coventry City Council members from all political parties and staff are to be commended by supporting a pioneering consultative exercise to strategically review Advice services in Coventry. The overall concept is a model of good practice for empowering organisations working at the coal face and in the heart of communities. Using a hub and spoke structure, it will help organisations to work together in a more systemic joined up way delivering high quality advice, reducing duplication, utilising capital assets, enabling the hand over of clients when needed and monitoring inputs/outputs. Coventry Law Centre is an integral part of this offer.

For the model to be successfully implemented, it will require all advice agencies being funded by the council to buy into the City vision, put the client at the centre of the system and to critically review what they are offering and determine 'what business they are in'. Advice organisations will require more stringent service level agreements to measure outputs and KPIs. The Law Centre as a major recipient of an annual Council grant is well prepared for these changes since the quality of its services are regulated by the Law Society.

Moving forward with the austerity measures, there will be an increase in the demand for advice services which will require innovative solutions and joined up thinking. Our pressing concern is that the significant reduction in legal aid and the freezing of the council grant will mean that many individuals will not be able to access our services, increasing hardship and social exclusion.

Professor Harinder Bahra has recently been elected Chair of the Trustees. Harinder has a portfolio career which includes working part time as director of a consulting group, director for international educational development and deputy principal. He has focused in recent years on organisation, leadership and diversity management.
After attending Sidney Stringer Comprehensive School in Coventry, Harinder went directly into employment before returning to education as a mature student. Harinder graduated from the universities of Cambridge, DeMontfort and Birmingham City, is a Fellow of several chartered bodies and worked in a number of sectors before entering the university and consultancy sectors. Within the university sector, he has held senior positions such as academic director of MBA and MSc programmes, associate dean, dean and university marketing director. He currently holds an emeritus professorship at Leeds Metropolitan University and visiting professorship at the University of Hertfordshire.