

Islington Law Centre

Submission to the Fairness Commission

October 2010

1. Introduction

Islington Law Centre (ILC) welcomes the work of the Fairness Commission, and its commitment to look at solutions-focused evidence.

We believe that our experience in working with significant numbers of low income residents who experience barriers to understanding and exercising their legal rights is highly relevant, and we would like to highlight the importance of access to high quality, independent and free legal advice casework and representation in tackling inequality and narrowing the gap between wealthy and low income residents.

Islington Law Centre (ILC) is a local agency offering high quality, expert independent legal help in the following areas:-

- Consumer – including small claims
- Debt – including fuel debt
- Education – including SENDIST and school exclusions
- Employment – including discrimination and dismissal
- Housing – including homelessness, possession proceedings and disrepair
- Immigration and Asylum – including work with people who have been trafficked and unaccompanied minors
- Welfare Benefits.- for those in and out of work, and over retirement age.

We have specialist provision for children and young people, in the fields of housing and immigration and asylum law. We deliver services from our offices in Finsbury Park, as well as via a comprehensive range of outreach sessions including children's centres, schools and other community settings.

We receive approximately 1,100 telephone enquiries and an average of 250+ personal callers per week.

We are able to support clients right through from their initial enquiry to the end of their case and are able to represent clients at courts, tribunals and appeals.

We employ 31 people, and benefit from approximately 150 volunteers per annum. Volunteers include solicitors from City and local firms and students from the BPP School of Law.

Our services are for low-income residents and we do not charge clients for our help. Many of our clients have dependent children, and benefits for our clients lead to benefits for the whole household.

We hold the Legal Services Commission's Specialist Quality Mark, and have a national reputation for the quality of our work. We are a registered charity and a company limited by guarantee.

We work closely with a wide range of other agencies in the borough, including Islington People's Rights, Mary Ward Legal Centre, Help on Your Doorstep, and our outreach host venues.

2. Contribution to fairness agenda

The Cripplegate Foundation report "*Invisible Islington: Living in Poverty in Inner London*" highlighted the extent of poverty locally, and its impact on all aspects of people's lives.

We believe that services such as ours make a significant contribution towards increasing fairness in the borough, via the following primary strands:-

a) Direct impact on reducing poverty

We are able to make an immediate and sustainable improvement in clients' disposable income - for example, representing clients at welfare benefit appeals, successfully challenging unenforceable debts, obtaining compensation for loss of office in employment matters. This work generates literally hundreds of thousands of pounds each year for local residents.

We also assist clients in retaining tenancies, and in remaining in employment, and whilst this does not result in measured cash improvements for the client, the work nonetheless helps tackle the priority issues of housing and worklessness, and impacts very significantly on clients' economic wellbeing.

b) Impact on the local economy

Money obtained for low income households is money which makes an immediate impact on the local economy - some is used to clear debts to the local authority and other debts, and much is spent in local shops and on local services. This in turn supports jobs and communities, and thriving neighbourhoods.

c) Access to justice

Many clients have previously tried to resolve their problem without success, and feel that the odds are stacked against them. We have carried out two research projects into the impact of our work, in conjunction with the Advice Services Alliance, and these demonstrate that, for many clients, the service has provided them with vital support that has enabled them to successfully tackle injustice. The benefits of the service thus extend beyond the material benefits (eg maintaining a tenancy or a job, or securing backdated benefits) and include being treated as a full citizen, improved understanding of legal rights, and a positive relationship with other agencies. This is empowering for

clients, and alters their perception of what is possible.

Additionally, we are able to work with a number of statutory agencies to provide feedback on where services are working well, and where improvements could be made. The Borough is carrying out innovative work around eg the Debt Coalition, and the Seasonal Health and Affordable Warmth groups, and we are able to provide feedback based on direct front line work. This can help statutory agencies to gather up to date local data, to ensure that services have reach into target communities, to make the best use of their resources, and to focus their work in the most effective way.

d) Leverage

For every £1 of funding from LBI, we generate at least the same again from other sources in cash terms for enhanced services. Additionally, we benefit from approximately 7,000 volunteer hours per annum. The service is thus very cost effective in meeting needs and makes a significant contribution to jobs and services in Islington.

e) Community Cohesion

The borough is fortunate to have some world class legal firms within its boundaries, and the Law Centre is able to offer 3 evening advice sessions per week, supported by volunteers from major law firms. Many of these volunteers live locally and are able to use their expertise to support other local residents who could not afford private practice assistance. The Law Centre is able to offer a wide range of clients including those with zero incomes and those who are working but are not on high incomes. The service is inclusive and works with clients from a wide range of ethnic communities, and across all parts of the borough. We offer a unique service in the borough to tackle discrimination at work, and our cases tackle inequality on the grounds of disability, age, gender, ethnicity, religious belief and sexuality.

f) Preventative work and cross sector savings

There is considerable evidence that good quality casework services can lead to significant savings elsewhere. For example, the New Economics Foundation calculates that “every eviction avoided by Law Centres is estimated to save the taxpayer over £34,000”. They also calculate that for “every £1 spent by Law Centres on a typical housing case, £10 of “social value” is created through benefits to the local community and savings to the Government.”

The paper produced by Citizens Advice “*Towards a business case for legal aid*” in July 2010 sets out the cross sector savings in each area of law – for employment law, for example, they estimate that “For every £1 spent on legal aid the state saves £7.13”. The same study demonstrates that “For every £1 spent on legal aid expenditure on benefits advice” the saving to the state is £8.80.

Investment in high quality casework and representation allows statutory sector partners to maximise their use of resources, and ensures that relatively straightforward issues do not escalate into legal cases that are stressful and resource intensive on both sides.

g) *Health inequality*

There is significant documentary evidence that each unresolved legal problem has a potential or actual cost. The Legal Services Research Centre paper "*Mounting problems*" (2007) quantified the incidence of adverse consequences by category of law, to estimate the economic costs. The highest rates of adverse consequences were in physical ill health, stress related illness and loss of confidence, followed by loss of income, employment or home.

There is a wealth of evidence that poverty, and associated issues such as poor quality and overcrowded housing, contribute significantly to health inequalities. Health providers are not able to deal directly with the practical problems of poverty, and the impact of treatment is significantly enhanced if the underlying issues can be resolved. There is a particular issue at the moment in relation to those people on out of work benefits as a result of health problems - we have found clients with very serious health issues are being passed as fit for work, and we are then having to appeal the decision. We have recently had to go and address a group whose conditions have been exacerbated as a result of their concern n about the changes in ESA.

3. Demand for services

The national "*Civil and social justice survey*" indicates that around 36 % of people report having had one or more civil justice problems over a 3.5 year period.

Demand for services locally is very high - we cannot always meet demand and whilst we try our hardest to refer people we cannot help to other relevant agencies, there is a recognised shortage of specialist independent advice agencies, especially those able to offer representation at court or Tribunal. This was highlighted in the recent Voluntary Action Islington report "*No recourse to advice.*"

A number of services in the borough are booked up over a month in advance, adding to the stress that residents experience in trying to resolve their problem .

ILC services receive high satisfaction rates from clients, and we are able to secure good outcomes for clients.

There are currently no elements of the service where there is spare capacity;

We have experienced a significant increase in demand over the past couple

of years, including new client groups who have not previously needed legal help, but who have now experienced either the loss of their job, a reduction in hours and/or pay cuts.

We anticipate that demand will continue to rise both as a result of the new pressures on people in work, and also as a result of the new government's proposed changes to eg welfare benefits and housing tenure.

4. The future

The future of specialist casework and representation is now extremely uncertain.

The Legal Services Commission has just been through a tendering exercise for civil legal aid and this will lead to significant cuts in Islington, especially in housing and employment law.

A very large immigration and asylum provider (Refugee and Migrant Justice) who were based in East London, sadly went into administration earlier in the summer, and this has pushed up demand. Several private practice firms in our area are deciding to close, or to stop undertaking legal aid work, and we anticipate that this will put further pressure on remaining services.

Unfortunately, much of the Law Centre's current income is now due to end in March as this has been funded via the Islington Strategic Partnership, and London Councils.

This will dramatically reduce access to services, and we know that some of our partner agencies are also facing significant reductions in funding in areas such as debt, housing and welfare rights.

There is a serious risk that the Law Centre could lose whole areas of expertise. For some areas of law, we are the only provider in the borough, and so residents would lose provision entirely.

Finally, the Government has now announced its intention to make significant savings in the Legal Aid budget. Whilst the details are not yet clear, the areas to be targeted may well include family, debt, welfare benefits, housing, employment and immigration. There is a real need to ensure that all low income residents can secure a level of assistance to help them deal with the most pressing problems, such as no income, or the risk of losing their job or home.

5. Example case histories

Ms A is a single mother who lives with her 11 year old son. She had series of disrepair complaint about her property, including lack of heating, and hot water for several days. Her landlord made many appointments to attend her property and resolve the problems but each time they failed to attend. Ms A

did not attend work on those occasions and suffered loss of earning as a result. She became very frustrated and stressed because of her situation.

Eventually, and after many telephone phone calls, workmen attended to resolve the problem with the boiler but they did not do a good job. After they left, she realised that poisonous gas was escaping from the flue. Although the boiler was switched off, it was not done soon enough.

Ms A finally came to see Islington Law Centre via the Finsbury Park Advice Project, where we advised her to lodge a complaint against her landlord for unsatisfactory services. We also advised her to see her GP for a blood test to determine whether she and her son suffered carbon monoxide poisoning.

A few weeks later, following her complaints, all her disrepair problems were resolved and she was offered substantial compensation.

There was also indication of carbon monoxide poisoning in their blood. We subsequently referred her to a personal injury lawyer who according to Ms A, has since said she has a good claim against her landlord.

Ms J worked in a department store and was bullied at work and discriminated against because of her race by her new manager. She eventually resigned as a result of the treatment. She initially sought assistance from a private solicitor but could not afford to pay her legal fees after resigning

Her treatment had left Ms J too ill to look for new work. We assisted Ms J to bring a Tribunal claim for constructive dismissal, race discrimination, harassment and victimisation. Shortly before hearing, her case settled for £43,000, an agreed employment reference and a statement of regret from the employer. After her case was resolved Ms J felt well enough to look for new work and shortly after she found a new part-time job to help her ease back into the workplace.

Mr P worked full-time on a low income and claimed housing and council tax benefit. His hours were reduced for six months as part of a cost-cutting exercise. He informed the local authority of this reduction in his income. However, it was not acted upon and Mr P continued to receive the same amount of benefit. ILC intervened and an underpayment of £1,324.62 was posted to Mr P's rent account.

6. Summary

Specialist casework and representation is a very cost effective way of impacting not only on direct poverty, but on enabling people to understand and exercise their legal rights. It ensures genuine access to justice, and is highly valued by local residents.

It impacts on physical and mental health, as well as improving people's material circumstances.

It is a crucial tool in tackling poverty and creating a more level playing field.