

ANNUAL

REVIEW



2014

Members of



Tower Hamlets Law Centre 2014

Chair's Report

The advice environment continues to be a very challenging one. During 2013-14 the Law Centre was still in the transition of dealing with the reduction in the scope of legal aid following the introduction of LASPO (Legal Aid, Sentencing & Punishment of Offenders Act) in April 2013.

This meant at a time when the impact of the welfare reforms were starting to take effect the most vulnerable people in the community were no longer able to legal aid to appeal their claim. For those seeking support for immigration, asylum the scope of legal aid has been much reduced. It is a similar situation with housing and education work.

We continue to receive income from a range of funders which has made it possible to maintain our support to vulnerable people to ensure access to justice for local residents. This work included dealing with complex cases requiring specialist legal advice and representation at tribunals and the county and higher courts. Our client profile comprises women fleeing domestic violence, people who are in housing crisis, people with no income, adults and children with disabilities and a range of other issues at court and tribunals.

We have been keen to identify ways to reduce costs and reshape services to make the Centre sustainable going forward, which is why in December 2013, we took the step to relocate from our premises in Whitechapel Road. Our face-to-face service is now co-located with Limehouse Project at St Anne's Street, off Commercial Road. Our national telephone service and back office are based at St George's Town Hall, Cable Street.

The Law Centre remains an active member of the Tower Hamlets Community Advice Network and has been working with partners to deliver the objectives of the Big Lottery Advice Services Transition Fund project.

As Chair, I am grateful to the staff team and volunteers for their tireless efforts to commitment to delivering quality advice and maintaining client care in these difficult times.

Finances continue to be extremely tight, and we wish to thank all those who have provided financial support during the year. We are committed to an active programme of fundraising, especially looking towards 2015 when we celebrate the 40th Anniversary of the Law Centre.

Richard Tchoutezo
Chair of Trustees

Achievement for 2013-14

Welfare Benefits

Welfare Benefits is the area of law which has been most affected by the cuts in scope for legal aid. Eligibility is now limited to those cases taken to Upper Tribunal on a point of law.

So much of 2013 has been spent dealing with resolving the residual legal aid work still outstanding. We continue to provide legal advice in welfare benefits from the funding we receive from LB Tower Hamlets.

We have been able to achieve effective outcomes for clients, which is illustrated by the following cases:

Mr A is a resident of Tower Hamlets. He requires kidney dialysis every day which takes place in his own home. He applied for Disability Living Allowance but was turned down for both components. He appealed against that decision and was referred to us by Citizens Advice for assistance. We wrote to Mr A's doctors to obtain new medical evidence. We prepared him for the questions he would get asked at the appeal tribunal and we sent a submission to the tribunal to argue his case. The tribunal agreed to change the DWP's decision and awarded the high rate of the care component plus the low rate of the mobility component.

He received a lump sum arrears payment of £4200 plus an increase in his annual income of over £6000/year.

Mr B is a resident of Tower Hamlets. His Jobseekers Allowance was stopped because he had not been able to successfully register on the Government's website 'Universal Jobmatch'. He told us that the reason for this was because he had very little experience of using computers, and the jobcentre staff had not provided the help they promised him. The DWP argued that failure to register on the website showed that Mr A was not "actively seeking work", even though he had many examples of job seeking activities and job applications which had been done without using the internet. We advised Mr A to appeal the decision and we wrote to the appeal tribunal to set out the legal arguments regarding the JSA regulations.

The tribunal upheld his appeal and Mr A's JSA was re-instated in full, with the appropriate arrears of benefit.

Until August 2013, we were funded by LBTH Social Services to deliver a weekly benefits session at John Smith Children's Centre. This provided access to legal advice and support to parents and carers of children with disabilities, specifically targeted at the Bengali community. We were successful in securing funding from Awards for All to enable the funding to continue during 2014-15.

Housing

The reduction in scope for legal aid means that the only housing cases now eligible are those where a person's home is at 'immediate risk', (such as possession proceedings) or where housing disrepair poses a serious threat to health. This means that legal aid will no longer be available to tackle a wide range of landlord and tenant issues, for example, unlawful evictions. Legal aid is also not now available to do early intervention work, such as challenging problems with housing benefit, or housing debts before court. The following case study shows the impact of the legal advice and support provided by our Housing Team:

Mr B and his wife live with their 15 year old daughter in a property they bought 15 years ago. They obtained a joint capital repayment mortgage and they have been in employment throughout this period. They had no history of mortgage arrears. In 2012 Mrs B was diagnosed as suffering from pancreatitis and she had to give up work and claimed sickness benefit. A few months later Mr B was diagnosed as suffering from leukaemia. He was treated with five chemotherapy sessions and had to give up work. Mortgage arrears started to accrue. He approached the lender and requested that his mortgage be changed to an interest only. The lender refused. When he obtained the mortgage he was sold insurance but when he tried to claim he was advised that the insurance was only valid for the first 5 years, he was never advised of this, neither was he invited to renew.

He made an application for ESA in November 2012 but was not entitled to the benefit as he was still claiming SSP. This meant that the earliest claim for ESA was not possible until February 2013 and therefore he was not entitled to interest payments until 13 weeks later (May 2013). The lender initiated possession proceedings of the property as he had accrued £6,000 of mortgage arrears. Mr B's leukaemia went into remission and he was able to start working in June 2013. A hearing took place at Bow County Court in May 2013 and the Court adjourned the case as Mr B stated that he was about to start working again. We represented Mr B at the rescheduled hearing and argued that the lender had not complied with the Mortgage Arrears Protocol as they should have allowed Mr B to change his capital repayment mortgage into an interest only mortgage. In addition they should have waited for his claim of interest with the DWP to be assessed. The lender argued for an outright order on grounds that Mr and Mrs B could not afford mortgage payments and they had agreed that he would pay current mortgage payments plus £70 per month toward the arrears. The Court took the view that the lender had not been sympathetic to the circumstances and decided to read the rules without compassion, and therefore disregarded the Mortgage Arrears Protocol. The court made no order for possession, and adjourned the case generally reducing the amount to be paid towards the mortgage arrears from £70 to £45 per month.

Mr B was not entitled to Legal Aid Assistance as his income exceeded the disposable amount and capital given that the equity of his property exceeded the capital amount. He was therefore assisted under the LBTH Housing Advice.

Immigration

Legal aid for immigration work has been removed unless clients are victims of domestic violence, or trafficking. Asylum work continues to be eligible for legal aid. Funding from Trust for London means that we are able to take a more holistic approach in meeting the needs of clients, as the following cases demonstrate:

A who resided with her husband in Haringey approached our service for advice. She was experiencing violence from her husband and his family and being forced to neglect her baby at their direction. We contacted a refuge and counselling service with whom we have links, which gave her the confidence to report and escape the violence. We advised and assisted her to make an application for indefinite leave to remain gathering relevant evidence on her behalf. She was granted settlement shortly after and is now able to move on from the refuge, live and raise her child without further harm.

B (a referral from Afar Community UK) is a Djiboutian national married to an EU national. She experienced violence and oppression on a daily basis from her husband. He made her sign some papers which she was unaware were divorce papers before making her homeless by mutually exchanging his property. We advised and assisted her to apply to the Home Office for recognition of retained right of residence on the basis of her being a victim of domestic violence, this was granted. She has since been able to work to support herself and her son free from violence and oppression. Her pre-divorce residence combined with retained rights time means that she will soon be able to apply for permanent residence.

Funding through our Specialist Legal Advice Contract funded by LB Tower Hamlets means that we are able to continue to provide vital immigration support for clients who are outside the scope of legal aid.

X's mother was granted refugee leave in the UK in line with her husband. She separated from her husband. She applied for her X and his brother to join her from Somalia. X has severe learning disability and autism, manifesting in severe communication and behavioural difficulties, he also has severe physical medical problems.

X was granted entry clearance for leave to enter for 1 year. Before that leave expired his mother sought assistance from a private solicitor who applied for an extension of leave, however this application was made after his 1 year leave had expired and the application was refused

X sought assistance from the Law Centre and he was granted discretionary leave to remain. X is now an adult and requires assistance to apply for indefinite leave to remain with his mother who is his sole carer. We assisted X to apply for ILR as absent legal aid he is not able to instruct a private solicitor for a fee.

Education

Much of education law is out of scope for legal aid this includes school exclusions, bullying, school complaints and admission appeals.

In 2013, the Law Centre was successful in securing a contract as one of only 3 providers to deliver the new national education advice line – dealing with special educational needs and discrimination cases.

There are a number of challenges in delivering the service as all the advice work has to be done over the phone, which can be difficult for many of our clients to deal with; access to the service is through a national number operated by the Civil Legal Aid agency.

Despite this the Education Team have been able to make a difference for clients:

Client contacted us as she wanted assistance in lodging a disability discrimination claim against a further education institution. Her daughter attended college and was diagnosed with Autistic Spectrum Disorder. The College was aware of the disability and had made reasonable adjustments however one of the tutors failed to comply dispute numerous complaints from the client.

On behalf of the client we lodged a claim at the First-Tier Tribunal and the responsible body accepted that discrimination had occurred and apologized to the client.

The Team have even been able to achieve results which will help to support claims by other clients.

M v Hackney Learning Trust - This was a case where we assisted the client with an appeal to the First-Tier Tribunal regarding placement. The local education authority had a statutory duty to provide special education to meet the needs of M's son having special educational needs. The local authority named a specific school in the statement of special educational needs. However, M wanted her son to attend the same school as his sister at an alternative special school in a neighbouring borough. The local authority refused her request on the grounds of additional expenditure.

M's appeal to the First-tier Tribunal was dismissed as was the appeal to the Upper Tribunal. This case went all the way to the Court of Appeal, where M won her appeal. This is now a reported case which has been cited in various appeals.

Pro Bono Services

We would particularly like to thank:

Freshfields Bruckhaus Deringer LLP

Freshfields is a leader among international law firms, providing business law advice of the highest quality throughout Europe, the Middle East, Asia and the US. Freshfields has been a pro bono partner of THLC for over 35 years. This year their support included:

- helping dozens of their trainee • solicitors to volunteer their time through our evening legal advice surgeries, assisting our clients and gaining valuable experience
- seconding four trainee solicitors to assist our expert caseworkers, adding their skills to those of our team and gaining in-depth experience of litigation practice
- donating substantial sums to help us • maintain our services, backed up with business and legal advice,

Norton Rose LLP

Norton Rose is a leading international legal firm that offers full business law services to many of the world's financial institutions and corporations. Norton Rose has been a pro bono partner of THLC for over 35 years. This year their support included:

- helping dozens of their trainee • solicitors to volunteer their time through our evening legal advice surgeries, assisting our clients and gaining valuable experience.
- acting on our behalf in negotiations • with third parties.
- donating substantial sums to help us • maintain our services, backed up with business and legal advice.

These partnerships are of increasing importance as public funding for legal services diminishes. The relationship between the Law Centre and our corporate partners is an example of legal services with starkly contrasting characters and objectives, working together to reduce the gap between those who can afford to understand and enforce their rights, and those who cannot.

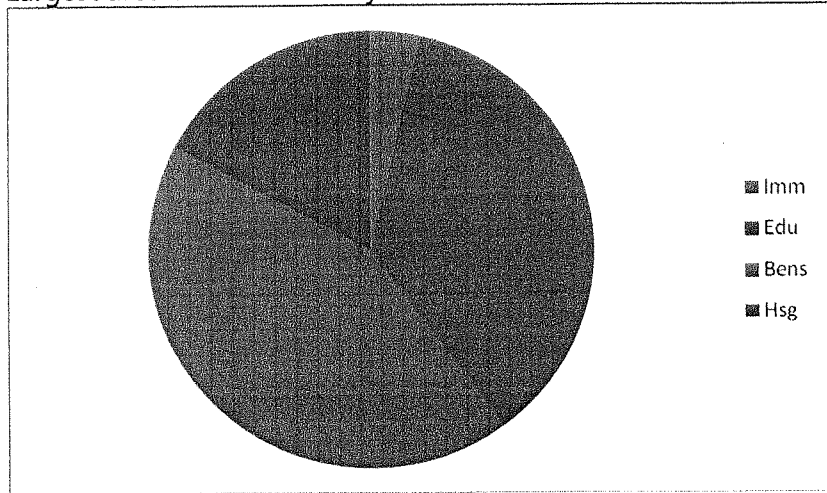
We would particularly like to thank Barry Miles, Employment Specialist at North Kensington Law Centre, without whose dedication, support and supervision our evening Employment advice surgeries would not be possible

In addition to the fruitful relationships we have with City firms, we are grateful for the continuing commitment of Edwards Duthie in co-ordinating the Duty Solicitor Scheme at Bow County Court.

Statistics

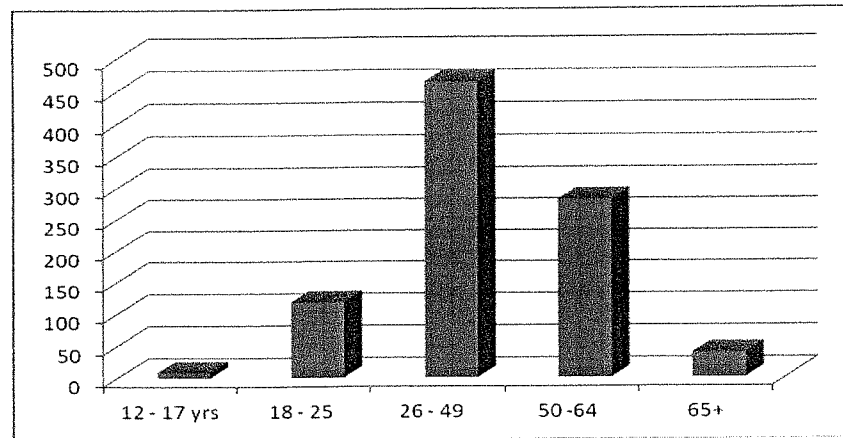
Areas of law supported

Largest area of work done by the Law Centre continues to be Welfare Benefits



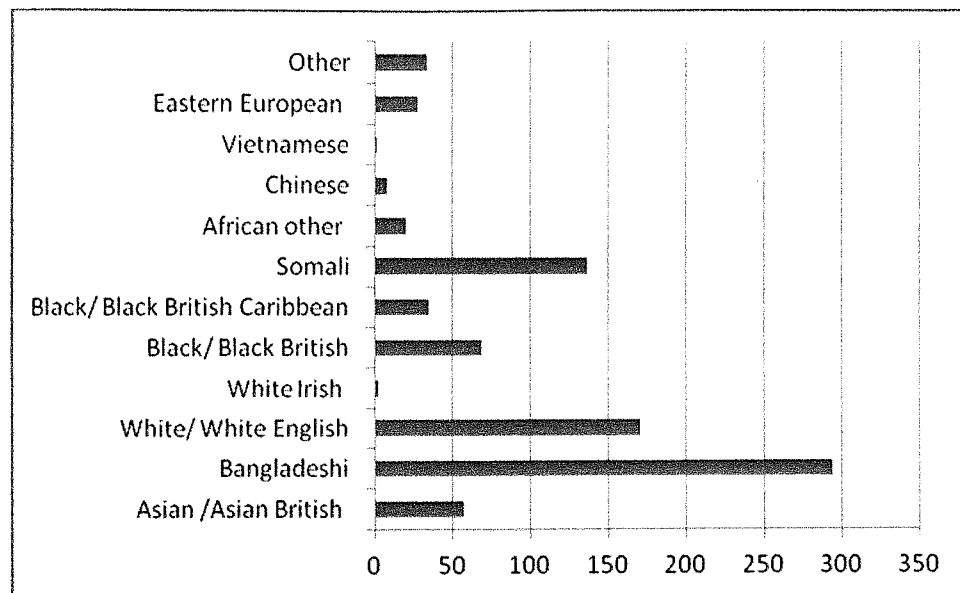
Age range of service users

95% of our clients are of working age



Ethnicity

The statistics show the diversity of clients accessing the Law Centre



Gender - 46% of clients were male

54% of clients were female

Disability - 20% of clients identified themselves as having a disability

Client Feedback

- *My only comment is that you keep up the good work*
- *I am very satisfied with my solicitor Emma, because she always updated me in duration of whole case. Due to her hard work thanks God, I am not homeless now. Thanks Emma*
- *Very pleased with you service*
- *Thank you very much you make my dream come true, because help me to bring my mother to the UK*
- *I just want to thank Mrs Sharon for her support and understanding*

Summary of Accounts 2013-14

	Unrestricted Funds	Restricted Funds	Total 2014	Total 2013
	£	£	£	£
Income				
Incoming Resources from charitable activities	176,391	329,803	506,194	886,910
Donations	47,486	18,151	65,637	
Investment Income	389		389	870
Sundry income and rent	11,784		11,784	38,098
Total Incoming Resources	236,050	347,954	584,004	925,878
Expenditure				
Charitable Activities				
* Specialist legal advice, etc	328,866	328,966	657,832	1,083,460
Governance costs	8,999	1	9,000	10,559
Total resources expended	337,865	328,967	666,832	1,094,019
Net movement in funds	-110,477	27,649	-82,828	-168,141
Fund balances at 1st April 2013	194,389	42,250	236,639	404,781
Fund balances at 31 March 2014	83,912	69,899	153,811	236,640

Thanks to all those how have funded and supported the Law Centre in the last year, especially, Freshfields, Norton Rose, LB Tower Hamlets, Legal Advice Agency, Trust for London, Tudor Trust and the London Legal Support Trust.

TOWER HAMLETS LAW CENTRE

Type of Law and Area

We provide specialist legal advice and representation in Housing, Asylum/Immigration and Welfare Benefits for people who live or work in the London Borough of Tower Hamlets. Our Education phone service deals with Special Educational Needs and Discrimination.

Our Service

We provide an open door service where clients can drop in for general information or make an appointment. Our pro bono sessions are run on Monday evenings, alternating between Housing and Employment. Clients can also contact us by email or our phone reception service.

Face to Face Service: - Open Monday to Friday 10am-1pm; 2pm -4pm

Unit 1, St Anne's Street
Off 789 Commercial Road
London E14 7HG

Reception Number -020 7538 4909

Email – info@thlc.co.uk

Pro Bono Service – Mondays from 6.30pm

Address as above

Education Phone Service

In order to access this service client **must** first phone the Civil Legal Agency
0345 345 4 345

Tower Hamlets Law Centre is a charitable company and is managed by voluntary trustee board of local residents elected by our members each year at our annual general meeting.

Charity Registration No: 287282

Company Registration No: 01720518