

Greater Manchester Law Centre



Annual Report 2018

**“Every Wrong Decision We Reverse
is a Victory for our Campaign!”**



Greater Manchester Law Centre

Fighting together for
free access to justice



Legal Aid Practitioners Group

2018

**LEGAL AID
LAWYER**

OF THE YEAR AWARDS

FINALIST

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Greater Manchester Law Centre – still "fighting together for free access to justice"

Each of these words means something and everyone involved in the law centre is involved in carrying them out.

For example, we opened our doors to the public just over 2 years ago and since then our **volunteer benefits advisers and local law students** have regained nearly £1 million in entitlements which the DWP had refused to give people in Greater Manchester. This is without any legal aid funding, from the Legal Aid Agency or otherwise; although this is clearly legal aid work.

It is a tremendous achievement, especially when it has been thanks to so much work by unpaid volunteers. But sadly, this is only the tip of the iceberg of a very **hostile environment**, particularly against claimants and migrants. We have also provided essential information and campaigning, together with the excellent support of the Greater Manchester Immigration Aid Unit, for people affected by revelation of the Windrush scandal.

Our **front of house volunteers** received these inquiries and many more from the local community; as always, trying to help people either directly with our own advice services or finding others who might be able to do so.

We don't do this because we are nice people (though we mostly are) nor because of a desire just to do good. We do it because we are committed to changing things.



Maxine Peake, GMLC Patron, with front of house volunteer Arwa Graf

<https://www.theguardian.com/stage/ng-interactive/2017/jun/26/brexit-shorts-shattered-by-maxine-peake-starring-nasser-memarzia-video>

And we would like to be able to do more; often there simply is no immediate solution we can provide. **The law centre is not a panacea for everything.** That is why we know we have to campaign with others for restoration of a properly funded welfare state, with publicly funded and accountable health, social security and housing services, within which a fully funded legal aid system should take its rightful place. That is why we have pleased to be able to work with other voluntary organisations, such as Disabled People Against Cuts (DPAC), Greater Manchester Housing Action (GMHA), Acorn (Tenants Union), against the ill-thought-out and iniquitous implementation of Universal Credit. That is why we call for a new generation of social welfare lawyers – with social welfare included in their university curriculum and without being saddled with tens of thousands in student debt before they can even start to work.

It was particularly useful that Richard Burgon, Shadow Secretary for Justice, used our public meeting on the future of legal aid to **promise to restore legal aid for all housing matters.** He, like many others in public life, welcome our publications, mostly written by young law students and other campaigning volunteers, and as a result of these we have been quoted in the House of Commons by local MPs. Likewise, our Submission to the Select Committee on Work and Pensions on the failure of "Mandatory Reconsideration" in the benefits system – which was taken directly from the spoken experiences of claimants who were willing to share these with us – was well referenced by that Committee.



GMLC Legal Aid and the Future of Free Access to Justice Event, April 2018, with (ltr) Siobhán Taylor-Ward, Young Legal Aid Lawyers Vice Chair and GMLC trainee solicitor; Richard Burgon, MP for Leeds East and Shadow Justice Secretary; chairing GMLC Development Worker Roz Burgin; Joe Mensah-Dankwah, Partner at Foresters Solicitors and board member of Black Solicitors Network; and Lord William Bach, Leicestershire Police and Crime Commissioner, chair of the Bach Commission and GMLC Patron

It is because **we need to end the vicious benefit sanctions, stop homelessness and combat the rise in racism** that law centres such as ours need to join with others to fight for justice. And that is why at last year's Annual General Meeting we decided to be more "strategic" in our casework. We want to make legal challenges that will improve things for many people, more than the individuals in front of us; and we have set up a "strategic litigation organising group" to identify and bring challenges from issues raised with us. For

example, we have identified that local councils are not properly reacting to those who are homeless and approach them to access accommodation. We intend to challenge this. Hopefully the next year will bring some fruition to such strategic litigation, with the legal aid contract in public law which we have gained, the appointment of our own (first) Housing Solicitor, and our encouragement of other local lawyers to become involved likewise. Meanwhile we continue to be grateful to the three main **charitable trust funds** whose financial assistance has made it possible for us to organise the development of our work so far. Thanks to AB Charitable Trust, Legal Education Foundation and Tudor Trust, we are half way through our first three years of employing a Supervising Solicitor, Trainee Solicitor (Justice First Fellowship) and Development Manager (job-share). The shared aim we have is of developing financial and organisational sustainability for the longer term by the end of next year (2019).



Kenworthy's Chambers presenting their generous donations: (ltr) Dr Erinma Bell MBE DL, GMLC Patron; Patrick Cassidy, Deputy Head of Kenworthy's Chambers; George Brown, Barrister at Kenworthy's Chambers; Robert Lizar, GMLC Patron; Maria Rushworth; Maria Rushworth, Practice Manager at Kenworthy's Chambers

This has not proven easy so far – and we will be discussing this further during the coming months. Some lawyers and law firms have been generous – particular thanks to **Kenworthy's Chambers** for donating a % of their income to us, something we hope may be taken up by others. We have also, through our “Lawyers Group”, approached other solicitors and barristers’ firms for a similar financial commitment from them. We continue to receive support, including public commendation, from the **North West Trades Union Council** – we need all trades unions locally to see the importance of legal aid to their members. The universities have recently doubled their support for our project to organise law student representation at tribunal appeals – and we are grateful to both **Manchester Metropolitan University** for their continuing work with us and to the **University of Manchester** for joining them more recently. This will help to create the lawyers of the future.

And we have taken on legal aid contracts from September 2018, in housing, debt, welfare and public law. These should give us funding for some more casework, but anyone dealing with the Legal Aid Agency as it stands will know that there is a great deal of onerous administration which goes with these contracts – and we must not let our advice and representation be limited to what is currently “in scope” of the LAA requirements.

However, any current charity analysis will demonstrate that there is more and more reliance on existing donors to pay for more and more of the shortfall caused by public cuts. While we seek "pro bono" assistance from lawyers (and thanks especially to the advice sessions provided by our employment solicitor, recently joined by an employment barrister) and while we seek every possible individual donation and standing order (thanks everyone for these), it is still our case that **access to justice should not depend on crowdfunding and car boot sales**. And we will all go on saying this.

The very existence and continuation of the GMLC is a campaign, for law centres, for legal aid, for social welfare lawyers, and for justice!

Our financial accounts for 2017-18 show that we have done extraordinarily well in starting the law centre – with nothing – and managing to maintain it, over another full year – with individual, community, and charitable support. In doing so, we may have encouraged others to try to do likewise in their own areas – as have our own volunteers in parts of Greater Manchester, notably Bolton – we wish good luck to all these endeavours. It remains however a fact that we have brought nearly £1.5 million into this county, through reclaimed benefits for individual claimants and charitable trust fund grants, while we have received not a penny from the statutory sector's local authorities, health decision-makers, or the (now not so) recently constituted Greater Manchester Combined Authority. Nor have we yet received anything from the government body responsible for defending and managing "legal aid" (that is, the Legal Aid Agency – which was responsible for closing the former South Manchester Law Centre and has been continuing to preside over cuts in legal aid).

So, to ensure meaningful, walk-in, face-to-face access to legal advice and representation, for everyone in the ten districts of Greater Manchester, something more will have to be done. That task remains. **We thank those who have supported us this year and invite everyone to join with us in keeping up the fight for the long-term future.**

John Nicholson, Chair, Greater Manchester Law Centre

Free Legal Advice and Representation

GMLC offers specialist welfare rights advice and representation for those who are most disadvantaged in society. Not only has the Government removed Legal Aid for those who seek help with the overly complicated benefit system, they have introduced a host of welfare reforms to slash billions from the welfare budget.

Our specialist advisors help people from the very start by assisting them to complete ESA, Universal Credit and PIP claim forms. These forms are not simple, but the Department of Work and Pensions (DWP), and later the Tribunals Service, use these to assess entitlement to benefits, and claims can be severely compromised if vital information is missed at the very start.

Our work focuses on the needs of people who are unable to access this support anywhere else. Face-to-face advice is particularly important for those who are vulnerable and cannot necessarily access information over the internet – or afford to pay for a lawyer. All our specialist volunteer advisors have extensive knowledge of welfare benefits appeals and have successfully challenged DWP decisions both at review and appeal stage. We also provide opportunities for volunteer translators and for those who cannot commit to a regular volunteering role in providing support for attending medical assessments. We have a highly empathetic front of house service to help people with their initial enquiries and/or to signpost them for further help on their issues. Our employment advice session has helped 93 employees, including with unlawful deduction from their wages, unfair dismissal, race/sex/religious discrimination.

Our team of front of house volunteers deal with the reality of the lack of support and advice currently available to people. They help with all inquiries as best they can, they carry out research, and help people to gain access to further advice where necessary. Often they make people feel better by just listening and acknowledging the difficulties that they face.

Case Study – Working with GMIAU – Supporting the Windrush Generation

Greater Manchester Law Centre (GMLC) and Greater Manchester Immigration Aid Unit (GMIAU) successfully worked together to represent someone (Mr A) whose benefits were not only stopped by the Department of Work and Pensions (DWP), but 7 years' worth of benefits of over £30,000 were demanded back from him. The reason was that he was wrongly classified as having no leave to remain by the Home Office.

Unfortunately, this is just another example that has come to light affecting the Windrush generation and shows the burden it puts on victims and their families. As ever, the focus needs to be on challenging legislation and the treatment of migrants as a whole, as these cases aren't anomalies, they're part of a purposefully-created hostile environment. But we are glad to have been able to help in this instance.

GMLC represented him in his DWP case and GMIAU represented him in his immigration case.

Mr A is a Sierra Leone national, born in the mid 50's, who came to the UK in 1970 when he was 15 years old. He arrived to join his parents and has the passport he arrived on which is endorsed with an entry certificate 'to join parents' and no restrictions on entry.

He was in receipt of benefits but had this stopped in 2016 because he was deemed to have no status in the UK. He then received a decision from the DWP seeking to recover all the benefits paid to him since 2009, adding up to a total of over £30,000. This was in April 2016.

These decisions were made by the DWP on the basis that they had contacted the Home Office to find out whether Mr A was entitled to benefits and had been told, in March 2016, that Mr A 'had no leave to remain in the UK'. Since his arrival Mr A had no contact with the Home Office, so they would have no records of his existence on their system.

The DWP would, in particular, have no proof of his entry to the UK as his landing card would have been one of those destroyed by the Home Office in 2010. The Home Office also did not contact Mr A at any stage to find out about his history, so it is clear that they automatically classified him as having 'no status' because he was not on their system.

This wrong classification directly led to Mr A having no income and consequently no accommodation since April 2016 and having to live with the stress of owing over £30,000 in benefits plus a possible criminal charge for defrauding the benefits system. In the meantime, he was supported by his family.

GMLC appealed against the decisions that he owed this money and the DWP confirmed at an initial hearing that their decision was solely based on the Home Office response that he had no status. He then applied for, and was granted, a permanent stay card under the 'Windrush' procedure. The DWP have just confirmed that they are withdrawing their decision given that he has received his ILR card.

Not only was Mr A relieved of the pressure of having to pay back a vast amount of money, but the fight for his rights by GMIAU and GMLC resulted in him receiving £8,041.01 in back dated benefits.

In his thank you card to us he says: ***"Thanks for your perseverance and doing the right thing."***

We are now fighting for additional compensation for the mental stress that he has been under because of the totally incorrect classification by the Home Office that he had no status which directly led to his benefits being stopped.

Feedback

"I saw a patient today who you have helped with a disability benefits appeal. He told me how helpful the GM Law Centre have been, and I wanted to pass on the compliment. With best wishes, Dr. James"

"Hello, I am contacting you to say thank you for the help given with my PIP application. I'm happy to say my claim was successful with enhanced rate both for care and mobility and also as an ongoing award. Your help was greatly appreciated, and I would happy if you could pass this message on to the gentlemen (Roger) who helped me with my claim. Kind regards, Lisa"

A friend of our client Veronica telephoned to ask us to thank Tony for his assistance in dealing with her. Apparently, Tony did such a great job in completing Veronica's ESA50

that she was not asked to attend a WCA and was placed into the Support Group.
“Veronica is thrilled and wanted to pass on her appreciation to Tony.”

Key Performance Data

GMLC cases 2017-18:

503 in total

262 of those are form filling

241 are appeals, 96 of those have been heard at Tribunal

GMLC cases 2017/18 across Greater Manchester:

Bolton 69	Manchester 283	Oldham 7	Rochdale 9	Salford 20
Stockport 26	Tameside 9	Trafford 28	Wigan 16	Bury 5

Plus 30 additional cases covering Greater Manchester

In addition, our front of house volunteers have dealt with over 2500 enquiries, face to face, by telephone and by email.

By 31st March 2018 the GMLC appeals team had helped to recover over £820,000 in benefit to which claimants were entitled but wrongfully denied by poor decision making. [The figure has since gone over £940,000]

GMLC Campaigning and Development, 2017-2018

We are fighting together for free access to justice. This means **campaigning for welfare and housing policy reforms**, and it means the **reinstatement of Legal Aid and free access to justice**. To this end, we draw on our experience, we campaign alongside others, we are present in our community, we shed light on the need for Legal Aid, and we fundraise for our survival.

We have **put our weight behind challenging unjust welfare policy**. In February this year, our damning submission to the Work and Pensions Select Committee's call for evidence on disability benefits assessments contributed to the Chair's conclusion: "*No one should have any doubt the [assessment] process needs urgent change*". Our volunteers have been monitoring and analysing case law developments, and we are proud to have published their findings on our website. Our stance on Universal Credit has made an impact: when a job centre approached us for assistance, we refused to be complicit in the roll out, and our statement was subsequently read out in Parliament during the **House of Commons debate**. These are some examples of ways we are fighting for change in a welfare system which inflicts further punishment and adversity on vulnerable people.



We are building **relationships with community groups, campaigns and trade unions** across Greater Manchester. In April, we co-ordinated a day of action with various housing and disability rights groups to **demand that no one faces eviction** as a result of Universal Credit delays. We were pleased to work with these same groups later in the year to support a '**Benefits Self Defence**' training day, using our caseworkers' experience to share skills and knowledge in our community. We were involved in a silent march and **vigil in support of those killed in the Grenfell fire**. We thank local Trade Unions for inviting us to celebrations and conferences. Being based in Moss Side, we stood with **our local Windrush community**, supporting events, declaring opposition to the hostile environment and providing information to those who came through our doors. We were pleased to support the call for an **end to indefinite immigration detention**, as also successfully put forward to Manchester Council by our local Councillor Mahadi Sharif. We are not alone in our fight for justice.

Legal Aid has been in the public eye. The Bach Commission report – **The Right to Justice** – published in autumn 2017, showed the impacts of cuts and the need for a statutory right to justice. In spring 2018, we supported the launch of **Young Legal Aid Lawyers** (YLAL)'s Social Mobility report, demonstrates the barriers faced by the next generation of social welfare lawyers. In April, over 100 supporters attended our discussion with our Patron Lord William Bach, Shadow Justice Secretary **Richard Burgon MP**, YLAL's Siobhán Taylor-Ward and Black Solicitors Network board member Joe Mensah-Dankwah. Together we discussed the challenges and **future of free access to justice**. Local and GM support for the GMLC, and our demand for fully funded legal aid continues to grow, including local councillors and Greater Manchester MPs, several who have visited the law centre.



Afzal Khan, MP for Manchester Gorton and Shadow Immigration Minister, visited our premises to discuss immigration issues, the treatment of our local 'Windrush generation' community, cuts to legal aid and our work with the Greater Manchester Immigration Aid Unit (GMIAU). (ltr) Ngaryan Li, GMLC Supervising Solicitor; Afzal Khan MP; Denise McDowell, Director of GMIAU and GMLC secretary; Craig Holmes, Kenworthy's Chambers and GMLC management committee member.

In order to continue our campaign and provide vital services, **we need funds**. In May, our dedicated fundraising volunteers raced the 10k Great Manchester Run. Volunteers organised fund raising events including an Open Mic night in Chorlton, a Christmas Legal quiz night and a Ceilidh. Through our new website launch in July, generous donors hit our crowdfunding target to support our scheme with student volunteers – students who will become the **next generation of social welfare lawyers**. Greater Manchester's legal community has started to show its commitment to access to justice, as **Kenworthy's** donated a percentage of their barristers' fees and **Barrister-Direct** pledged £3,000.

Our survival is testament to the determination of our volunteers and supporters.

Greater Manchester Law Centre

Summary financial information

GMLC is in robust financial health and continues to grow. Some key performance indicators are given below.

	2016/17	2017/18	2018/19
	Audited accounts	Audited accounts	Forecast @22/8/18
Income	£109k	£173k	£180 – 200k
Expenditure	£44k	£135k	£175 – 200k
Cash/Reserves	£90k	£123k	£130k
No. of donors	17	38	50+
No. of staff	3	6	8

Developments in 2018-19

Further income growth is forecast for the current year. We have been successful in obtaining further grant funding & our fundraising efforts go from strength to strength. We have also obtained two Legal Aid Agency contracts (for Housing and Public Law), which will generate activity (in this year) and additional income (in future years). This income 'lag', when balanced with higher than expected grant income, may cause 2018-19 to generate a balanced outturn, rather than the surpluses seen in prior years. Underlying financial health remains very strong.

2017-18 Accounts

Copies of GMLC audited accounts are available on request; summary details:

Income & Expenditure

	Unrestricted Funds	Restricted Funds	Total
Income	69,866	103,139	173,005
Expenditure	17,783	117,471	135,254
Net Income/(Expenditure)	52,083	(14,332)	37,751
Funds B/fwd	47,897	22,737	70,634
Funds C/fwd	99,980	8,405	108,385

We have drawn upon the 'Restricted' funds b/fwd (typically grant funding) and have doubled the 'Unrestricted' funds available to the Centre. This allows for greater freedom in the use & application of Centre funds.

Ian Wait, GMLC Treasurer



Cross-city groups hold day of action against Universal Credit evictions: GMLC, Disabled People Against the Cuts, Acorn Tenants' Union, Unite Community Union and the Greater Manchester Coalition of Disabled People

“Mandatory Reconsideration? It’s supposed to make the system fair, but it’s simply not true.

“They don’t review the medical evidence. There is no investigation on whether it is accurate or not. They don’t go against what the physio or nurse or whoever said in the first place. That would make both of them look unprofessional. How bad would it look if they were to point out at this stage that the ESA or PIP decision is wrong? So, it’s not going to happen. It shouldn’t be like this. My whole life being decided in 40 minutes by a physio who knows nothing about my mental health. Because after that no-one wants to admit they are wrong.”

[Claimant]

[GMLC Submission to the Work and Pensions Select Committee Inquiry November 2017]