



Annual Report

2007/8



Community
Legal Service



Who we are and what we do

We are an independent, not-for-profit, solicitor-led legal advice agency. We have eleven caseworkers, of whom five are qualified solicitors. Two of our solicitors are also registered social workers.

We have contracts from the Legal Services Commission (LSC) to provide advice to those who are eligible in the areas of debt, welfare benefits and community care. We meet the LSC's Specialist Quality Mark for providing this advice, and are members of Advice UK and the Law Centres Federation. Our solicitors are members of the Law Society and our social workers are members of the General Social Care Council. We also have a licence from the Office of Fair Trading for the provision of debt-advice work.

We have experience of welfare benefits and debt advice stretching back over nearly 20 years, and our origins lie in the original Charity Organisation Societies in Birmingham at the turn of the 20th century. We now also advise and assist clients in other areas of social welfare law. Last year we opened 1,760 new cases in all areas of casework.

Our face-to-face casework is carried out both at our offices near Birmingham city centre (accessible to people with disabilities), and through outreach sessions. In this way we can make sure that our advice services are accessible to people in Birmingham who cannot travel to our City Centre offices. All advisers are expected to advise clients to the LSC Specialist Quality Mark standard, whether or not the project is LSC-funded.

We distribute grants to individuals as agents for a number of local and national charities as well as from our own funds. We have also created and operate the West Midlands' only fund to assist destitute asylum-seekers, and we work with partner-organisations to provide emergency accommodation for homeless asylum-seekers.

We are based at

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54 Coventry Road
Birmingham
B10 0RX*

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We are a registered charity, no. 1087514, and a company limited by guarantee, no. 4173542.

Birmingham Law Centre Annual Report, 2007/2008

Incoming Chief Executive's Report

Pete Lowen – New Chief Executive

As a note of explanation, this report has been written retrospectively, as at the time of writing (early December) I have been in post for just over two months. I have, however, been able to gather the relevant information in order to describe what has taken place in the period relevant to this report. As outlined, below, this was an exciting time for the organisation notwithstanding the challenges we will face in the future.

Birth of Birmingham Law Centre

The year to the end of March 2008 has been an exciting but challenging time for the organisation.

After many months of development work by the management, staff, volunteers and trustees, Birmingham Money Advice and Grants changed its status to become the Birmingham Law Centre. Birmingham Law Centre was formally launched by the Lord Mayor at Birmingham Council House on 29 October 2008 in front of a large audience of staff and supporters.

This change of status is a public statement of our ability to take on complex work, including litigation, and the readiness of our staff to undertake ground-breaking community work, and difficult legal challenges. We are pleased to join the Law Centre movement, but our long-established commitment to social work and our grants service will not be diminished.

We believe that it has been a major achievement to create a new lawyer-led not-for-profit agency in Birmingham which means that now many more people in the City can get the free legal advice they need. Unlike most Law Centres this has been achieved despite a lack of core funding from the Local Authority.

Advice and Grants

We had other positive news in that we were able to get further funding from the Department for Business, Enterprise and Regulatory Reform (BERR, formerly the DTI) for Financial Inclusion Fund face-to-face debt advice. To achieve this we took on extra staff from the Birmingham Credit Union Development Agency (BCUDA), which had unfortunately gone into administration.

We have also had positive indications from the Equalities and Human Rights Commission (EHRC) that we may get funding to deliver advice on discrimination in employment.

In addition, we were very pleased to return to partnership-working with Ashram Housing, where we have been providing advice for residents and training for staff.

We have also continued to provide outreach advice work in a range of settings, and we are grateful for the continuing support from our partner agencies.

The Legal Services Commission Contract

A very significant challenge has been the implementation and management of the new Legal Services Commission 'Unified Contract'. From 1 October 2007, the LSC changed from paying in advance for time spent on casework to paying in arrears and only on completion of eligible cases; this has caused severe cash-flow problems because an average case can take several months to complete. The new contract has caused serious problems for all LSC-funded advice organisations throughout the country, and some of them have been forced to give up all together. BLC has survived by drawing heavily on financial reserves, and by the special efforts and hard work of staff and volunteers. The financial accounts show that BLC made a considerable loss in the year 2007/2008, and the signs are that this will happen again in 2008/2009. There is no doubt that the LSC intends to continue with this type of contracting arrangement, so the challenge for us is to adopt ways of working that can optimise the income we earn from the contract.

One advantage of being a solicitor-led agency is that we are able to undertake Public Funding Certificate (PFC) work on behalf of the LSC, which means we are able to seek redress in higher courts on behalf of our clients as well as potentially bringing in significant extra income.

Asylum-Seekers' Destitution Fund

Since 2003 BLC's Asylum-Seekers' Destitution Fund (ASDF) has been raising funds to disburse as small fortnightly grants to destitute asylum-seekers in the West Midlands who are barred from recourse to public funds. Money has come from grant-making trusts, local groups and individuals, as well as from BLC's own charitable funds. BLC has worked in partnership with ARROW (Action for Relief of Refugees from Overseas in Wolverhampton), ASIRT (Asylum Support and Immigration Resource Team), the Children's Society, Coventry Refugee Centre, the British Red Cross (West Midlands), the Refugee Council, and Restore (Birmingham Churches Supporting Asylum Seekers and Refugees).

Out of ASDF has grown another BLC project, which is called Hope Housing. During the year to the end of March 2008, Hope Housing has been able to provide temporary accommodation for homeless asylum-seekers, in houses that have been lent by social landlords and others who have no immediate need for their properties. This is a growing part of BLC's operations, and it is growing out of need.

Bhopinder Basi and Richard Graves

Unfortunately, for several months during the summer of 2007 Bhopinder Basi, our Chief Executive, was not well. He returned to work for a short while but at the end of the period that is being reported on, he decided to offer his resignation. Bhopinder, and his enthusiasm, will be missed by everybody at BLC, and we wish him well for the future.

In addition our Chairman Richard Graves has also not been well for most of the year in question and one of our trustees, Douglas Readings has acted as Chairman during this period. We would like to wish Richard a speedy recovery and to thank Douglas for filling the breach.

Finally...

Some excellent news on the staff front is that two of our caseworkers, Habib Ullah and Phillip Monk have now qualified as solicitors. This means that Birmingham Law Centre now employs five solicitors, which will help us to continue to be a significant provider of high-quality legal advice in Birmingham.

In conclusion I would like to thank all staff, volunteers, trustees, funders and other supporters who have helped us in this exciting inaugural year as Birmingham Law Centre.

Pete Lowen
Chief Executive (from 1 October 2008)

Legal casework

In 2007/8 Birmingham Law Centre has continued to be a specialist-level provider of **welfare benefits**, **debt** and **community-care** advice and casework on behalf of the Community Legal Service.

We have offered:

- Advice on maximisation of income
- Advice and assistance on appeals, including representation at tribunals where appropriate
- Advice on accepting or disputing liability for debts
- A full financial review to ensure that debt-repayment proposals are realistic
- Help in negotiating with creditors
- Advice on assessments by social workers.
- Help in reviewing or challenging community-care assessments or services
- Advice on any support available through Social Services to destitute clients
- In appropriate cases, legal representation to bring cases before the courts, including the County Court, High Court, Social Security Commissioners and the Court of Appeal.

An important development is that our community-care advice/casework services are now available to clients in the West Midlands outside Birmingham.

Welfare benefits

632 new cases were opened

Case study

Mr and Mrs C were nearing pension age. Mr C still worked part-time for less than 12 hours per week; Mrs C was unable to work due to illness. The couple owned their own home, but were unaware for some time that they could claim Council Tax Benefit. When they eventually did make a claim there were a number of problems.

They sought our assistance in claiming the maximum backdated amount of 12 months worth of benefit, and we were asked to represent them at an appeal.

However, we were able to make a different argument at the appeal hearing and successfully argued that the previous claim should have been awarded as opposed to the backdated amount of 12 months. This led to an award by the tribunal of Council Tax Benefit going back almost four years.

Debt casework

747 new cases opened

Case study

Mr K, a home-owner, lived with his mother. Council Tax forms ask that the eldest person in the house be listed first, and Mr K wrongly presumed that this meant that a Council Tax Benefit claim should be in his mother's name. He was interviewed by fraud team but no fraud allegation was pursued.

However, the Benefit Service claimed that he should repay Council Tax Benefit paid to his mother, and the Council Tax office issued a Council Tax bill covering the same period. In total Mr K was being pursued for £13,000. We were able to make representations, firstly, that the Benefit Service had failed to fulfil their duties in terms of notice of the alleged overpayment which should have been sent to our client, and secondly, in terms of the Council Tax, that Mr K was being billed for a period for which he was also being asked to repay an overpayment of Council Tax.

After a couple of months the Council conceded that the overpayment was not recoverable and that the Council Tax bill was issued in error – Mr K had nothing to repay.

Community care casework

160 new cases opened

Case study

Ms D was a younger adult who had suffered a stroke in 2004 and as a result required assistance in bathing. She was dependent on her sister for this, but was unable to access the bath. Ms D had been waiting for a year for adaptations to be provided to her.

In addition to her physical difficulties Ms D also suffered with panic attacks and depression. This was exacerbated by her being unable to have a bath and feeling unclean. She therefore also became more and more confined to her own property.

We made a complaint against Birmingham City Council and were successful in adaptations being made to her property and £2,000 compensation being paid.

Public Funding Certificates

An important aspect of being a Law Centre, in other words a solicitor-led advice agency, is that we are able to undertake publicly funded work, at a higher level than the Legal Help Scheme, which allows us to represent people on matters in the higher courts, including Judicial Review.

Case study

Ms P was a Jamaican overstayer and a survivor of domestic violence. She had been forced to separate from her partner, who had attacked her on a number of occasions, and the police had been involved. She and her three children had been living with an aunt, but the aunt was no longer able to care for them and was in fact being evicted from her own accommodation. Ms P and her children had been told by the aunt that they could not return to the house and had nowhere to go.

We faxed a letter to the local Social Services office and advised Ms P to present herself there. The family were given accommodation for one night, but Ms P was advised that she would not be provided with any further accommodation. We sent the Council a 'pre-action letter' threatening Judicial Review and made an application for a Public Funding Certificate. Social Services' support was continued for a further night, but we received no response from the Council about support thereafter. We made an application for Judicial Review which was recently heard in the High Court where it was decided that Birmingham Social Care and Health do have to provide support for Mrs P and her family until the outcome of her application for leave to remain is determined by the Home Office. This is a significant decision which could affect many people in Mrs P's circumstances. The decision has been widely reported and demonstrates how the work of BLC can have an impact on people throughout England and Wales.

We also secured immigration advice for Ms P and her family.

Training

We have provided training to our housing-association partners under service-level agreements, as well as to other organisations on an *ad-hoc* basis, and have published various training/guidance booklets.

Grants

We have continued to operate our service offering grants to individuals for basic items. As a result, however, of the withdrawal of funding from the Local Authority for this

essential service several years ago, we can now generally make grants only to clients referred from our own projects.

In 2007/8 a total of £20,463 was distributed in individual grants to 74 clients, not including destitute asylum-seekers. (For the latter, see 'Asylum-Seekers' Destitution Fund' below.)

Projects

Probation Project

109 new cases opened

In 2007/8 we operated outreach sessions at Probation Service offices across Birmingham, in Saltley, Sparkbrook, Selly Oak, Perry Barr, Harborne, Erdington, Handsworth and the city centre, giving advice mainly on debt and welfare benefits, sometimes leading to representation at tribunals and court hearings. We also assisted our clients to obtain grants. Referrals to the sessions were by Probation Service staff only, and funding was provided by the West Midlands Probation Service.

Bangladeshi Legal Resource Project

With dedicated Bengali-speaking staff, this project provided drop-in advice sessions at the Bangladesh Centre in Sparkbrook.

South West Advice Project, Bartley Green and Quinton (SWAP)

86 new clients

This project, funded through a consortium of SRB5 and Sure Start South West Birmingham, operated outreach casework surgeries from three Sure Start Children's Centres in South -West Birmingham.

'MAXI' Project

109 new cases opened

Through this partnership between BLC and Registered Social Landlords Ashram Housing Association, Family Housing Association and Castle Vale Community Housing Association, Housing Officers can refer their tenants directly to BLC for priority legal advice and representation on debt and welfare benefits.

Department of Trade and Industry BERR Advice Project

218 new clients

The project, funded through the BERR (formerly DTI) Financial Inclusion Fund, is partly outreach and partly office-based, and provided debt and benefits advice and representation to clients in social housing.

Sure Start – Handsworth: Lime Tree Children’s Centre

86 new clients

Our dedicated project worker provided legal advice and representation on debt, welfare benefits and community care to local Sure Start service users.

Asylum-Seekers’ Destitution Fund

In 2007/8 Birmingham Law Centre’s Asylum-Seekers’ Destitution Fund continued to assist destitute asylum-seekers in and around Birmingham. The project was operated as a partnership between Birmingham Law Centre and

- ARROW (Action for Relief of Refugees from Overseas in Wolverhampton),
- ASIRT (Asylum Support and Immigration Resource Team),
- Coventry Refugee Centre,
- the British Red Cross (West Midlands),
- the Refugee Council, and
- Restore (Birmingham Churches Supporting Asylum Seekers and Refugees).

In 2007/8, £88,026 was raised for disbursement, and £92,810 was disbursed to destitute asylum-seekers. As previously, none of the money raised was used for administrative costs.

Hope Housing

In May 2007 Birmingham Law Centre and partner-organisations established a new project, the **Hope Housing project**, to provide emergency accommodation for homeless and destitute asylum-seekers. During 2007/8 Hope Housing had accommodation available in five properties leased at peppercorn rents from social landlords.

Case study – Asylum-Seekers’ Fund and Hope Housing

Ms M, a single woman from Zimbabwe, was originally refused asylum in 2003, but in June this year she was sent a questionnaire by the Home Office under its programme of reviewing longstanding asylum cases, which she completed and returned. She had been living with her uncle, but after disagreements she had to leave. The Refugee Council found her very temporary accommodation at an emergency night-shelter in Coventry, where the maximum stay was generally for three days, and referred her to BLC’s Hope Housing project, which was able to accommodate her in one of its properties. She was supported by the Asylum-Seekers’ Fund until an application for ‘Section 4 ‘ support and accommodation was approved by the Home Office

Funders, 2007/8

We record our thanks to the following for their support in 2007/8:

Ashram Housing Association
Birmingham City Council Social Care and Health
Castle Vale Community Housing Association
Department of Trade and Industry
Family Housing Association
FCH Housing and Care
Harborne Parish Lands Charity
LankellyChase Foundation
Legal Services Commission
Lloyds TSB Foundation
Probation Service
Severn Trent Trust Fund
Sure Start South West Birmingham
University of Birmingham

(Asylum-Seekers' Destitution Fund)

Bewley Trust
Bryant Trust
Cole Trust
Friends Hall Farm Street
Grimmitt Trust
Harry Payne Trust
Roughley Trust
S C & M E Morlands Trust
Tudor Trust,
William Dudley Trust
- and many generous small groups and individuals

Birmingham Law Centre Management Committee, 2007/8

Mr Richard Graves	Director/Trustee – Chair
Mr Derek Bennett	Director/Trustee – Treasurer
Mr Douglas Readings	Director/Trustee – Vice-Chair
Ms Claire Barton	Trustee
Mr Billy Brick	Director/Trustee
Dr Elizabeth Hensel	Trustee
Reverend Neil Johnson	Director/Trustee
Ms Kathy Kirlew	Director/Trustee

Birmingham Law Centre Staff, 2007/8

Bhopinder Basi	Chief Executive Officer
Allan Norman	Principal Social Worker / Solicitor
Susanne Chapman	Admin Manager
Michael Bates	Training and Development Manager
Faith Ryan	Solicitor
Yasmeen Qazi	Solicitor / Social Worker
Phil Monk	Solicitor
Habib Ullah	Solicitor
Pam Nightingale	Caseworker / Supervisor
Lloyd Burton	Caseworker
Claudia Deans	Caseworker
Sandra Kane	Caseworker

Lucy Masters	Caseworker
Sarah Nelson	Caseworker
Megan Ward	Caseworker
Geoff Wilkins	Development Worker / Caseworker
<i>Admin team</i>	
Balbir Klair	Finance Admin Assistant
Karen Wheeler	Legal Help Secretary
Nureen Akhtar	Probation/Grants AdminAssistant
Fahima Begum	Admin Assistant
Linda Murphy	Admin Assistant

Volunteers, 2007/8

Adam Muhyadia

Ruth Flynn

Stewart Hill

Almamy Taal

Student placements

Jenny Antonio

Katy Nabbs