

Fighting for social justice



Challenging times

2008-2009 was a difficult year for the economy, and this was reflected in the needs of our clients as well as the challenges for our staff.

We saw several changes in personnel, including the departure of three trustees and two changes of Chief Executive. During the year our Chair, Richard Graves, became seriously ill and was unable to continue in office. Sadly, he died in July. We are very grateful for his contribution to the organisation.

Our new Chief Executive, Pete Lowen, who took up post half way through the year, is working closely with the Board and staff in developing a robust strategy, which will significantly stabilise our position in an ever-changing economic environment.

We are entering our third year as Birmingham Law Centre and I am confident that we will develop and go from strength to strength. We would now like to recruit new trustees to our board.

I would like to thank all the staff, for their hard work and optimism, and also members of the Board of Trustees, for their commitment to and faith in the principles and delivery of our services.

Elizabeth Hensel
Trustee and Acting Chair

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Focused | One of the Birmingham Law Centre team gets to grip with some case work in our central Birmingham office

Breadth and depth

Chief Executive's report

This has been a challenging year for the new Birmingham Law Centre, but one that has seen some exciting new initiatives.

Despite a difficult financial situation in 2008-2009, I think it is fair to say that, as a result of some new funding and the hard work of all staff and volunteers, the future is now looking much more stable.

- Over the last two years, despite no core funding, we have successfully managed the transition from an advice centre to a fully fledged law centre.
- Last year we opened 1,806 new cases in all subject areas and directly helped over 1,500 people.
- We received further funding from the Department for Business, Innovation and Skills (BIS, formerly BERR) for Financial Inclusion Fund face-to-face debt advice.
- We received new funding from the Equalities and Human Rights Commission (EHRC) to deliver advice on discrimination in employment.
- We increased our advice provision in Sure Start Children's Centres.
- Our caseworkers are now much more familiar with how the LSC Unified Contract operates.
- Our Hope Projects for asylum seekers are going from strength to strength – an excellent example of how agencies can successfully work together in partnership.

Following the departure of our previous Chief Executive, Claire Barton took on the role of Interim Manager for the six months to 30 September 2008. We are very grateful for her role in stabilising the organisation at a very difficult time. I was appointed on 1 October 2008.

“ I believe that people who cannot afford a solicitor should still have access to high quality, in depth legal advice – that's what a law centre is all about.”

Pete Lowen, Chief Executive

Our main plans for the future are:

- To create a new strategic plan to guide our work over the next 3-5 years. This process has already begun.
- To continue to diversify and increase our overall funding, at the same time identifying core funding for our infrastructure.
- To consolidate our Legal Help funding by bidding for new contracts from the LSC in 2010.
- To continue to work closely with our partners and look for opportunities to form new partnerships.
- To raise our profile locally, regionally and nationally.

This time next year, I expect to be able to report some positive outcomes for these objectives. From now on it is vital that Birmingham Law Centre continues to diversify its funding and to increase the breadth – and depth – of free legal advice for people in Birmingham and other parts of the West Midlands.

Finally, I would like to thank our staff, volunteers, trustees, funders and other supporters who have helped us in this challenging, but exciting, second year as Birmingham Law Centre.

Pete Lowen
Chief Executive

Helping people who are having the hardest of times...

Mr B's Incapacity Benefit had ended some months before he came to see us, following a decision that he did not have good cause for failing to attend a medical to assess his capacity to work.

He had informed the Department of Work and Pensions that he could not attend due to his mental health difficulties. This was not accepted and his benefit was disallowed, despite his appealing. He also made a new claim for Income Support due to ill health, which was turned down for the same reasons as it was within six months of the previous decision. Mr B also appealed against this decision. He was now destitute and eating out of skips.

We helped with a successful new claim for Income Support due to ill health, which eased his immediate financial problems. We subsequently lodged an appeal to the commissioners against the original appeal decisions.

The appeal was successful and it was decided that Mr B did indeed have good cause for not attending his medical assessment. Benefit was backdated to the date of the original decision. This resulted in reinstatement of payments for the benefit he had not received for seven months – more than £2,500 – and an up rating of his weekly benefit payments.

This positive outcome for our client could not have been achieved without the specialist advice of our welfare benefits caseworker.

To find out more about our welfare benefits advice call 0121 766 7466 or go to www.birminghamlawcentre.org.uk

A case in point

Legal casework

Birmingham Law Centre is a specialist level provider of welfare benefits, debt and community care advice and casework on behalf of the Community Legal Service.

In an important development, our community care advice and casework services are now available to clients in the West Midlands beyond Birmingham.

The following summarises the types of problems that our clients need advice on:

- Maximisation of income
- Advice and assistance on appeals and representation at tribunals where appropriate
- Advice on liability for debts and full financial review
- Negotiating with creditors
- Help in reviewing or challenging community-care assessments or services
- Advice on any support available through Social Services to destitute clients
- Legal representation to bring cases before the courts, including the County Court, High Court, Social Security Commissioners and the Court of Appeal.

Welfare benefits

494 new cases were opened and 558 cases closed in the year with a total financial gain estimated at £1,623,561 for clients.

Debt casework

403 new cases were opened and 479 cases closed in the year with a total of debt dealt with estimated at £2,803,954.

Community care casework

94 new cases were opened and 116 cases were closed.

Don't give up on a good case...

Mrs N is a widow and lives with her disabled son in a council property. She has a number of illnesses and suffered injuries due to a road traffic accident. One of our solicitors assisted her with obtaining a community care assessment, which resulted in her being awarded adaptations at her home in the form of grab rails.

We will, however, be challenging this decision as we believe that the client should be provided with more adaptations as well as other services to support her and her son.

Using the law to fight our client's corner...

Ms C – a qualified nurse with four children aged 14, 6, 4 and 9 months – was unfit for work due to a spinal problem, severe arthritis, a heart murmur and child care responsibilities. Her youngest child has Down's Syndrome and a hole in the heart.

She had a committal (court) hearing for council tax arrears of £4,500 over a period of several years. In such cases, the council must prove wilful refusal or culpable neglect – the client must have had means to pay and made a conscious decision not to pay.

Ms C was not aware of the arrears as the demands were sent to an old address. She had been in and out of work and on a range of benefits during the arrears periods and went on to Income Support from March 2007. Ms C made some payments during the period and was awarded full Council Tax Benefit in March 2007. She also had problems with mortgage arrears.

Our solicitor advised the council of the financial situation and offered £5 per week. The council refused the offer and said that their policy is that all arrears must be cleared in one year. This is not the case in law, however. So we wrote to the council with a financial statement and an offer of payment. No reply was received, so we faxed a copy of the letter in May 2009. Again we had no reply.

In court it was not possible for the council to prove wilful refusal or culpable neglect. The Magistrates decided to write off all arrears. This could not have happened without the assistance of Birmingham Law Centre's solicitor.

To find out more about legal representation call 0121 766 7466 or go to www.birminghamlawcentre.org.uk

“He was very non-judgemental of my case. I know I was ill with mental health and physical health problems but he looked beyond that and I think he saw a person who needed help and understanding.”

Birmingham Law Centre client

Public Funding Certificates

11 new cases were opened during the year. 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.

Training

We have provided occasional training and awareness raising sessions for staff and volunteers in other local agencies.

Grants

We continue to access grants for individuals who are in need for basic items. As a result, however, of the withdrawal of funding from the Local Authority for this essential service several years ago, we now generally make grants only to clients with whom we are already working with on other issues.

In 2008/9 a total of £17,244 was distributed in individual grants to 70 clients, not including destitute asylum-seekers. For the latter, see Hope Destitution Fund, page 6.

As well as the work detailed above, we have opened 26 housing cases and dealt with 22 miscellaneous matters.



Judicial review to challenge unfair policies...

We have worked on a number of cases where we used Judicial Review to challenge a local authority's policy called 'Fair Access to Short Breaks for Carers', designed to help severely disabled people and their carers with overnight stays in respite care homes.

Our clients had been reassessed and each had been told they would receive fewer days of respite care. One was told that he would receive 42 days of respite care per year, instead of 92. We issued proceedings in the High Court against the local authority, resulting in the policy being suspended pending a review – which will now include full consultation with our clients as well as other interested parties.

Hitting the target

Specialist projects

Equalities and Human Rights Commission (EHRC) Employment Discrimination Project

27 new cases opened

Birmingham Law Centre was awarded one year's funding by the EHRC to carry out legal casework for people who have faced discrimination in employment. Our employment solicitor dealt with a wide range of employment discrimination cases and there is obviously a great need for this type of service.

Bangladeshi Legal Resource Project

279 people seen

Using dedicated Bengali-speaking staff, this project provided weekly drop-in advice sessions at the Bangladesh Centre in Sparkbrook. We have done this without direct funding because we feel very strongly that we do not want to abandon this very deprived community. Birmingham Law Centre will seek further funding in the coming months to keep the Bangladeshi Legal Resource Project running.

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

143 new cases opened

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.

Face to Face Debt Advice Project

329 new cases opened

Funded through the Financial Inclusion Fund, this initiative is partly outreach and partly office-based, providing urgently needed face to face debt and benefits advice, as well as representation.

Sure Start, Handsworth: Lime Tree Children's Centre

140 new cases opened

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

MAXI Project

74 new cases opened

The partnership between Birmingham Law Centre and Registered Social Landlords, Family Housing Association, Ashram Housing Association and Castle Vale Community Housing Association has proved to be a successful model for the delivery of advice. Housing Officers can refer their tenants directly to us for priority legal advice and representation on debt and welfare benefits.

Probation Project

10 new cases opened

Our outreach advice project, funded by the Probation Service for several years, came to an end in June 2008.

Birmingham Law Centre's Hope projects

The Hope projects work with destitute asylum-seekers and others barred from public funds in the West Midlands. All the projects are operated in close partnership with other independent local agencies.

The Hope Destitution Fund

The Hope Destitution Fund (known as Asylum Seekers Destitution Fund before September 2008) assists asylum-seekers and some others who are wholly destitute and barred from 'recourse to public funds'. In the financial year 2008/09, £126,073 was disbursed to 534 destitute individuals and families.



Tackling a complex asylum case...

Joseph and Grace, a couple with a child one year old, were refused asylum because the Home Office did not believe that they were members of a minority clan persecuted in the Democratic Republic of Congo. Their support from the Home Office was terminated, even though the Home Office does not currently seek to return asylum-seekers to the DRC.

Joseph and Grace were able to submit a fresh asylum claim through their legal representatives, based partly on a report from an academic expert on DR Congo, which confirmed their membership of the minority clan.

However, the couple were evicted from their accommodation by the landlord, who advised them to go to the Red Cross. The Red Cross's destitution service was able to arrange emergency accommodation and provide food vouchers, nappies, milk and clothes for the baby. The service also made an emergency referral to the Refugee Council to apply to the Home Office for Section 4 support.

At the same time the couple were referred to the Hope Destitution Fund for further assistance. The Fund assisted the couple and their child, and the Hope Housing project provided emergency temporary accommodation for the family, until a Section 4 decision was made.

Local | Our outreach legal advice sessions at the Bangladesh Centre in Sparkbrook, Birmingham have been very popular

“ I like the way BLC operates. Without your support and witnessing my attempts to deal with my debts would be very hard. I feel sorry for those bullied into paying without good professional help.”

Birmingham Law Centre client

Hope Housing

During 2008/09, Hope Housing managed short-term emergency accommodation for up to nine women (with some children) and four men in houses leased at peppercorn rents from three Registered Social Landlords (FCH, Mercian Housing Association and the Yardley Great Trust) and the Catholic Diocese of Birmingham. We also secured funding from the Heart of Birmingham PCT for respite accommodation and financial assistance for pregnant women and new mothers.

Two part-time Hope Housing project workers are funded by a grant from the Lloyds TSB Foundation.

The Hope Fund for Children

This Fund, resourced and administered in partnership with the Children's Society, provides one-off grants to new-migrant pregnant women and new mothers barred from recourse to public funds. In 2008/09, £9,250 was disbursed from this Fund.

Hope Counselling

The Hope Counselling project was established this year in partnership with the St Martin's Centre for Health and Healing to provide counselling for traumatised asylum-seekers and refugees.

Hope Coventry

In January 2009, Birmingham Law Centre began working with Coventry Refugee Centre to establish a locally funded emergency fund for destitute asylum-seekers in Coventry and to acquire one or more properties in Coventry to accommodate homeless asylum-seekers, under the aegis of Hope Housing.

Thanks

Funders and partners

Thanks to the following for their support in 2008/09:

Ashram Housing Association
Birmingham City Council Social Care and Health
Bournville Village Trust
Castle Vale Community Housing Association
Department of Business Enterprise and Regulatory Reform
Family Housing Association
FCH Housing and Care
Harborne Parish Lands Charity
LankellyChase Foundation
Legal Services Commission
Lloyds TSB Foundation
West Midlands Probation Service
Sure Start South West Birmingham
Sure Start Handsworth Limetree
University of Birmingham
Warwick University

Hope Destitution Fund

Heart of Birmingham Teaching Primary Care Trust
Children's Society Midlands Refugee Project
Bryant Trust
Cole Trust
Grimmitt Trust
Harry Payne Trust
Jill Franklin Trust
Leigh Trust
Roughley Trust
Tudor Trust
William A Cadbury Trust
and many generous small groups and individuals

Hope Housing

AW.60 Charitable Trust
Cole Trust
Eveson Charitable Trust
Esmee Fairbairn Charitable Trust
Friends Hall Farm Street Trust
Garfield Weston Foundation
SC and ME Morlands Charitable Trust
Saintbury Trust

People

Management committee,
staff and volunteers

Board of trustees

Our board members (trustees of the charity and directors of the company) were:

Richard Graves

Mark Hunt (Treasurer, from 16 Jun. 2008)

Derek Bennett

Douglas Readings (Vice-Chair, resigned 11 Dec. 2008)

Claire Barton (resigned Apr. 2008, reappointed Dec. 2008)

Billy Brick (resigned 3 Jul. 2008)

Elizabeth Hensel

Reverend Neil Johnson

Kathy Kirlew

Staff

Pete Lowen, Chief Executive
(appointed 1 Oct. 2008)

Claire Barton, Interim Manager
(1 Apr. 2008 to 30 Sep. 2008)

Allan Norman, Principal Social Worker/Senior Solicitor

Susanne Chapman, Admin Manager

Michael Bates, 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 (left May 2008)

Sarah Nelson, Caseworker (left Aug. 2008)

Megan Ward, Caseworker

Geoff Wilkins, Hope Development Worker/
Caseworker

Joanne Asquith, Hope Housing Support Worker
(left 16 May 2008)

Sarah Malka, Hope Housing Support Worker
(appointed 1 Sep. 2008)

Balbir Klair, Finance Admin Assistant

Karen Wheeler, Legal Help Secretary

Nureen Akhtar, Probation/Grants Admin Assistant

Fahima Begum, Admin Assistant

Linda Murphy, Admin Assistant

Volunteers

Adam Muhyadia

Stewart Hill

Almamy Taal

Judy Tweddle

Deirdre Smythe

Belinda Viset

Student placements

James Regan

Katie Nabbs

Alwin Mills

Jenny Antonio

Partnership in action | Partners from organisations around the country meet to discuss progress with the Face to Face Debt Advice Project (see page 08).



Birmingham Law Centre is 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 Legal Services Commission (LSC) contracts to provide advice on debt, welfare benefits and community care. We hold the LSC Specialist Quality Mark and are a member 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.

Birmingham Law Centre has experience of welfare benefits and debt advice stretching back over nearly 20 years. 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.

Our face-to-face casework is carried out both at our offices, near Birmingham city centre (accessible to people with disabilities), and at various outreach locations. This ensures that our advice services are accessible to people in Birmingham who cannot travel to our offices.

Birmingham Law centre distributes 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.

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Community
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