

**London Legal Support Trust –
London Specialist Advice Forum meeting**

2-4pm Wednesday 22nd February 2023

Chair: Eddie Coppinger, University House Legal Advice Centre

This document contains detailed notes from February's London Specialist Advice Forum meeting.

They are divided by headings so you can skip to the part most relevant to you. There is also a full recording of the Forum session available [here](#)

Full notes are below, you can jump to each segment using the links here:

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1. Meet the Agency: University House Legal Advice Centre, Update on National Advice Portal – Eddie Coppinger

a) About University House Legal Advice Centre

- University House dates back to 1886 in the origins of the settlement movement in the East End of London.
- Now a specialist advice agency and most work is project based and deals with issues relating to access to justice.
- One of projects is the advice portal which was developed during the past year. You can access the advice portal [here](#).

b) Aims of the National Advice Portal

- The portal is aimed at supporting generalist advice agencies to undertake specialist legal casework and users must register to access the advice portal.
- The registration process focuses on supporting community advice services. Work focuses on the most vulnerable and the great deal of our casework is with people with complex health and social needs.
- We embrace the use of technology in the way that is mindful of the realities of people's lives. Our view on the use of technology is to use it to provide access to specialist lawyers rather than in lieu of them.

c) How the advice portal is used

- The advice portal includes an electronic booking system aimed at targeted community advice agencies and other key stakeholders. Each week advice slots on specific critical legal matters are made available such as disability benefit appeals.
- Advice workers can book an appointment to seek support from us to progress a case themselves or they can make a referral by us to refer to them directly.
- A big issue in the sector is lack of second tier support and inability to access specialist legal support and casework services particularly on time sensitive matters. The portal aims to address that by providing direct access.
- In theory there are all sorts of second tier support out there but community colleagues have complained they can't access that because they can't get past the telephone line or emails. The portal gives direct access to electronic diary systems. Through the portal community advice workers can also access self-help information and professional development support. This also ties in with programmes such as Solicitor Apprenticeships.
- We have obtained substantial funding from the National Lottery Community Fund to make our portal available to advice services England wide.
- During the initial stages of the portal we were focussed on people living in Cornwall, Devon and Dorset. Since October we have been able to cope with large numbers of people and have linked them with pro bono resource.
- At the moment with disability benefit appeals we have continued capacity and do hundreds of them a year and more.

d) Success so far of the portal so far

- Through this project we have trained over 500 pro bono minded commercial lawyers to do disability benefit appeals to first tier tribunals.
- Majority of our cases still lean towards family law- we have trained 100 of corporate lawyers to deal with non-molestation orders such as Section 8 of child arrangement cases.
- The portal doesn't cover all of Social Welfare law but focuses on very specific issues on where we have capacity.
- We would overtime like to partner up with other organisations who also have capacity in certain specific areas. It will be interesting to see in a year's time how it develops.

e) Q&A

- *Do you deal with nationality, immigration or asylum law at all?*
No.
- *How do you close or manage the portal if there is no capacity to take a referral?*
It is as easy as if you are able to turn the tap off. If we get loads of requests on a particular issue then provided we have a lot of capacity we can release more appointments. In reality we have more requests in some areas of social welfare law as opposed to others, and we have many more requests in terms of disability benefit appeals than for example employment law. The same goes for family law in relation to housing and homelessness; we try to react to what is going on. In house we have good resources; in employment law we employ three employment law solicitors and two trainees so we are able to cope with most stuff and keep it under review.

- *How do appointments happen with the clients - are they all remote or face to face?*
It is largely down to client and what the client is comfortable with and whether they can get to us. Post-pandemic the majority of our appointments are remote.
- *How easy would it be to replicate or scale up this portal. Is it too costly? How easily can it be used by other agencies around us?*
The technology is straight forward and open access, it is like having an electronic diary system. Colleagues can run their own portal themselves, the limitation is only dealing with certain key areas of social welfare. Overtime we want to partner up with colleagues who also have capacity in certain key areas, in order to expand the scope of the portal. We originally started going with this in three districts - the West Country, Midlands and East London. It is not rocket science but relatively straight forward.
- *How do you register as a referring organisation?*
There is a link on the main page for organisations to register [here](#).

2. Public Interest Law Centre: Presentation and Q&A on Abused Twice Report - Isabella Mulholland

Slides available [here](#)

You can read the report "Abused Twice-the gatekeeping of support for domestic abuse survivors in every London Borough" [here](#)

a) About Public Interest Law Centre:

- Small organisation set up in 2016 and specialises in Public Law and Action Against Public Authorities.
- Pushes boundaries and uses the law creatively as a force for social change and works directly with campaign groups and grassroot organisations.

b) Domestic Abuse and Housing Project:

- We started to focus on domestic abuse and housing when we were referred to a "one off" case to support a survivor with application for higher band on the housing register.
- We decided to speak to Solace Women's Aid on the general issue women were facing in this area and it became very clear that the case was emblematic of a broader pattern and that women fleeing violence are subject to unlawful treatment and discrimination by local authorities when requesting housing at the housing office.
- The purpose of the project was to advice frontline staff on the law to take on individual complex cases and try and make wider social change through strategic litigation challenges to change unlawful practices and policies.

c) Campaign- Abused Twice

- Domestic Abuse mainly occurs in the home- thus making it a housing issue. The fact that domestic abuse survivors can't access housing support which we found out from Solace women's aid was even more concerning.
- This campaign was about highlighting the reasons why many domestic abuse survivors can't access housing as they are experiencing gatekeeping by Local Authorities.

- In this case, gatekeeping is defined as the placing of bureaucratic obstacles of those receiving statutory support.
- In domestic abuse cases this can include demanding police cases to prove an incident has happened or for survivors to prove recent incidences have happened – if not the person can't be housed. With that evidence, the survivor finds a gate has been placed in their way.
- With the research it became clear that it was not just a few cases, after 4 years of this project- this type of gatekeeping is systematic in London.
- This is evident with the witness statements collected from domestic abuse survivors in each of the 32 London Boroughs – in each statement the same obstacles arrived indicating a deeply rooted chronic problem.

d) Findings & real-life consequences

- Emergency accommodation was often refused, and the legal threshold is really low, one thirds of participants were not accommodated with emergency accommodation. So, on the day when someone is fleeing, gatekeeping occurred, and they were not housed. As a result, some survivors had to remain in their abusive homes while others had to sleep on their friends' floors, in cars, or park benches.
- Really long delays- 3/4 of survivors who participated in this project experienced delays with their applications for housing- with some waiting for months or even years for housing.
- Unsuitable accommodation- 2/3 of participants were accommodated in unsuitable accommodations- including housing that was overcrowded or located in unsafe areas or far from support networks.
- In these cases, advocacy from a lawyer is required so a 1/4 of participants required the interventions of a lawyer to get their Local Authority to provide housing support which was then provided.
- These experiences led to one survivor saying that the treatment by her Local Authority had made her feel as though she had been “abused twice”, once by her perpetrator and the Local Authority.
- The real-life consequences of this gatekeeping can be extremely grave, especially in cases of domestic abuse. Survivors being traumatised and leading to further deterioration of their mental health.
- The impact of local authority gatekeeping is that it can be the difference between life and death, safety and danger and housing and street homelessness.

e) Wider socio-economic context

- This is much greater than a few Local Authorities being ‘bad apples. In the project we have won every single case relating to domestic abuse and it is because these Local Authorities have been acting unlawfully, so when challenged they settle the case.
- To understand why this happening, it is important at to look at the wider socio-political context and think about the fact that we have diminishing housing stocks.
- Funding cuts to Local Authorities have reduced money from central government by 63% so anything else that is trying to help domestic abuse survivors like the [Domestic Abuse Act 2021](#) which was introduced in 2021 can't eliminate this systematic gatekeeping if the shortage of housing continues.
- For that reason, there's a section in the report that states that Local Authorities will continue to gatekeep and that the Domestic Abuse Act will fail to provide recourse to survivors of domestic abuse if austerity policies and the current chronic lack of social housing persists.

f) “Abused Twice”- A call

- The campaign was an urgent call for the government to tackle systematic and unlawful gatekeeping.
- Provide Domestic Abuse survivors with access to safe and suitable housing without delay.
- Social media campaign- highlighting various issues experienced by survivors (please see slides for further details of social media campaign).
- Covered in the [Guardian](#).

g) Next Steps

- Considered legal action against the Department for Levelling Up, Housing and Communities (DLUHC) and Mayor of London in judicially reviewing DLUHC for an independent review.
- Government response included writing to local authorities to remind them of their statutory duties and responsibilities - this is the same outcome that a JR would recommend.

h) Conclusions

- Campaigning is a really great tool as it highlights systematic issues that are difficult to do with litigation.
- Law can be used to aid a campaign- the law gave the subject matter a lot of weight because we were able to say Local Authorities were failing to uphold their legal obligations.
- Showing that is endemic throughout London- enabled us to show the scale of problem.

i) Q&A and discussion

- *I was involved in a particular London Borough and we had a policy for domestic abuse that the victim was always believed- in many cases a few weeks later the partner was back living with the person. This prompts the question on whether Local Authorities should automatically accept - have we discussed what checks are needed to ensure housing duties.* In the report we discussed emergency accommodation and longer-term temporary accommodation and the law says that if the Local Authority has reason to believe that somebody is facing domestic abuse they should be housed immediately pending further investigation. That is not happening and there is a lot of gatekeeping around that. On the other point about the return to the perpetrator- it is part of the cycle of abuse that people go in and out of the relationship and if they have somewhere else to go they are more likely to flee. The Home Office code of guidance states that there shouldn't be a blanket requirement of police evidence, and it gives a list of other types of evidence including letters from a Domestic Abuse organisation, families, schools, GPs etc., and there are other types of evidence a housing officer can request.
- *How did you feel when you received the government's response, especially when it did not address the fundamental issues of lack of housing?*
That is a really good question and shows the limits of the law and our barristers that there was no need to challenge this further as they have done what a judicial review would normally do. From a legal perspective there is only so much the law can do as their duty is with Local Authorities as they pay them to carry out housing provision. We haven't finished the campaign and it is one part of a much bigger puzzle.
- *Do you advise, or are you planning to advise outside of London?*
Yes, we do advise nationally and we would love to do a national campaign on the basis of the London campaign. We are aware this is not just a London issue.

When we used to work with women fleeing from violence, we used to take circumstances such as their support network into account to try and house them appropriately, but it seems this is a luxury now. You mentioned Solace Aid and other women's organisations; do you get support from them as well?

Yes, Solace Women's Aid were involved from the beginning of the research. We got statements from loads of different London organisations such as Ashiana, IKWRO, Women and Girls Network and Star Support for Refugees and we tried to look at different types of experiences and what their specific obstacles were. In terms of getting support it was very hard because they are completely at capacity, the capacity they do have is not spent on looking at the wider issue as they need to deal with urgent issues such as the survivor that needs to be housed. This was a bit of learning in the campaign itself because frontline organisations who have so much information and experience just don't have the time to share because they are dealing with daily crisis and don't have the capacity.

- *We have experience in dealing with Domestic Abuse cases in a Housing law context and sometimes it requires Local Authorities to speak to each other which they are not very good at. In particular when a client might wish to go to a particular different Local Authority to which they previously had connections with. Moreover, some of our clients want to be completely out of London. Do you have experience of trying to get cross authority discussions going and do you have tips for how we can deal with it? Dealing with one bureaucratic agency is bad enough but dealing with two is a nightmare.*

We deal with a few of these cases, there are some helpful bits in the [Homelessness Code](#) of guidance, very small amount under the chapter of domestic abuse which talks about the need for reciprocal agreements between Local Authorities and for Local Authorities to understand that a domestic abuse survivor might be in danger in the whole borough- this could also be the case for gang related violence. Local Authorities have the power to work with other Local Authorities to make these arrangements and they should do for domestic abuse survivors.

- *Would you recommend they approach the authority they want to be housed in as opposed to the authority that they may initially or readily access?*
I don't think there is a right answer, either way - the authority has to accept that application because the authority can't ask the domestic abuse survivor to stay in the Local Authority where they are in danger, so legally speaking they can make the application to any Local Authority and they won't be sent back. Equally if they get sent back to their home Local Authority, the Local Authority won't have a choice but to place them somewhere else because they are in danger there.

3. Nimrod Ben Cnaan, Law Centres Network: Update on Civil Legal Aid Review

Slides are available [here](#)

- The Civil Legal Aid review was launched just over three weeks ago, for those who missed the launch you can read the announcement [here](#) .
- Ministry of Justice acronym ROCLA= Review of Civil Legal Aid.

a) Policy Context:

- The Policy landscape in Civil Legal access to justice is full of reviews, for example this ROCLA review is coming at the point of nearly 10 years since the [Legal Aid, Sentencing and Punishment of Offenders \(LASPO\) act](#) came to effect – halfway through that the MOJ already had a review of legal aid after LASPO.

- That review was the LASPO post implementation review- a year before the pandemic and was deemed an inside job- with MOJ essentially marking its own homework and the review concluded that it was a roaring success.
- This was followed by the [Legal Support Action Plan \(2019\)](#) to sort of compliment the bits that weren't exactly Legal Aid. This action plan has changed significantly since it was introduced partly because of the pandemic and some elements of it remain.
- In 2021, we had an independent criminal legal aid review which was led by Lord Bellamy who after finishing it was appointed Justice Minister, this review is currently ongoing.
- We have also had a Means Test review which was part of the Legal Support Action plan and Stage 1 is expected to be complete in 2023.
- There is also a smaller review, which some Forum members might have been contacted about which is the Civil legal advice helpline. This used to be a telephone gateway for Legal Aid, and that is under review as well.
- The MOJ is also making changes to the Fixed Recoverable Costs (2023) regime and dispute resolution which will have an impact on Legal Aid and especially social housing cases which is why several representative bodies including Law Centres Network have been pressuring the Ministry of Justice to exempt Housing cases which it now has.

b) ROCLA review, what we know so far

- We know that it has been trialled since 2022 with the announcement in 2023. It will have four main analytical parts.
- The first one is the economic analysis of the structure of civil legal aid market, what's working and what's driving problem and gaps.
- They also want to look at what is happening in other jurisdictions around the world that have civil legal aid system and what can England and Wales can learn from them.
- The third aspect of the review would be the data publications series part of which will derive from the first two analytical point- it would be a quantitative overview but it will also have several qualitative deep dives into specific areas of law- generally the review is expected to look at only six categories of law and not the full gallery of eleven main areas of law. The question is how the other aspects of law will be accounted for.
- Finally, the last part is user research. The MOJ is looking to map the user journey and identify pinch points in the civil legal aid system and consider things like civil legal aid deserts.
- The first two pieces of the analysis will be sent to an external provider and the plan is to conclude with a list of policy options by summer 2024. The process will take about a year and a half.

c) What is still not clear

- The worst about the review is that we still don't know what the purpose of it is. The announcement of the review only provides the terms and references of the first part of the analysis and don't have term of references for the review as a whole.
- We don't have a good idea of where this sits in the wider access to justice strategy of MOJ- all the reviews are happening at the same time or overlapping with each other- massive confusion.
- Secondly, issues with the timeline of the work, it is meant to take 18 months but information of when it will start and how the work will be done is still not clear- we have asked for clarification.
- So far with these two issues the problem really is that the ROCLA review compares pretty poorly with the Criminal Legal Aid Review (CLAR), With the CLAR it was an independent review with an external panel, which made it public. The government was able to respond to

recommendations and it was clear from the outset what that review was asked to do. This is absent within the current ROCLA review and we have been asking the MOJ about this.

- Another question is how the review would draw on the experiences of experts and practitioners who know the differences and will identify the gaps. Example being the CLAR having an expert panel.
- This review focusses on the supply side of Legal Aid, there is very little attempt to shape the legal service, in addressing the paths people have in seeking Legal Aid. The question is about how do you improve people's pathways to legal aid and how do you make the system more efficient.
- Lastly, if the civil legal aid runs into the summer of 2024, the summer of 2024 is when current civil legal aid contract is expected to conclude and that means if the reviews end then it may still not be early enough to shape the next civil legal aid contract. In this case we would have a LASPO shaped contract period before we can actually move on.
- With all that is mentioned, maybe this is time we might see change and alternative system that works for all stakeholders.

d) Q&A and discussion

- *On the review of Means Test and Fixed Recoverable cost you mentioned how it relates to housing and rent with the rates for rent in London being 1/3. I wondered if that point is being made. Also, in terms of the main review, I think we all would say the biggest thing that needs to be reviewed is the actual fees, they are so low and with inflation they just about cover the costs- we are stretched for the fee income.*

Several things you mentioned, the Means Test Review and the scale review, they have already consulted on the actual rates last year, there was a rise in the rate and we are past the point of influencing that and they are in the process of recalibrating the system and waiting for government response. An important part of the Means Test review not without question is updating the civil legal aid eligibility in regular intervals so we don't have a situation where there is no change.

On legal fees the main thing we raised with MOJ along with clarification we asked from them- they are in a pickle with as they are working with the Treasury in making higher fees. The Treasury is not inclined to paying anyone more, the MOJ challenge is repackaging services so that it can look like new services that can attract new fees. We can only do our best to evidence just how far out the fees are. On Fixed Recoverable costs as soon as that policy was out, we wrote a letter stating it was rolling a dice against renters and it is a main concern from a housing law perspective.

- **Discussion:** From funders perspective, we have spoken to London Funders advice network and we are going to discuss this at network with members and we want to be led by the sector. We are quite concerned that we are picking up what's left behind- this will be a strong message from the funders.
- *Is there going to be a forum where we discuss a civil legal aid system or a model system that people fund advice/case work in the social welfare law space?*
Maybe? I don't think we should do the work for them. The funding that would be external to the government spend on this should cover other things that compliment what we already have. Wouldn't want a public provision like Legal Aid to be progressively reliant on supplementary funding from charities and foundations.

- *We have seen multiple reviews over the past 10- 20 years and one thing I have noticed is that reviews being pushed back because the feedback from Ministers which is constantly changing. Secondly, there is some kind of internal review going on in the MOJ but I couldn't pick up what that meant and what that means for this?*

There is a financial review but I don't know what their priorities as an objective, it is a normal thing for them to review their internal policies after they have had their treasury settlement but we are not there anymore.

- **Discussion:** The ROCLA is welcomed but clearly hasn't come soon enough as we are a sector that has been made decimated by what has happened in the last ten years and I don't feel positive about the review on the means allowances. I think it will make it difficult for a lot of people, difference between theory and practice with the onus being put on us to provide the scrutiny of eligibility, so we are going to be spending a lot of time chasing clients to get information that is required to support eligibility and take on risk.

- *Is there a likelihood that the contracts would be extended so that they align with result of the review?*

It is more likely than not that they would extend contracts as it would because they would need to and would provide continuity and certainty. On top of that they are looking to replenish the ranks of current civil providers so later this year they would be new tender across all civil legal categories to introduce new providers into system. So, people who are not doing Legal Aid and would like to join it and will be able to do so.

4. Allan Anderson, East End Community Foundation: Tackling Poverty and Advice Funding *Slides available [here](#)*

a) The model of Community Foundations

- There are 47 accredited Community Foundations across the UK and we have blank coverage across all four nations and every aspect of the UK.
- The remit is encouraging local philanthropy, working at local level and encouraging local groups- researching and understanding local needs.
- This coincides with the aim of strengthening the voluntary sector and bringing groups together- through conveying community resources.
- Funding model is local philanthropy with donors coming in, corporate charity givers, government contracts from Local Authority and Endowments which generates incomes that we can give out. Community Foundation across the UK will be a combination of this.

b) East End Community Foundation

- We were founded in 1990, formed before the London Community Foundation- just covering Newham, Hackney, Tower Hamlets.
- When government money is being distributed to the London Community Foundation, East End Community Foundation takes shares of it and distributes it into local areas. We bring together local organisations, businesses and statutory bodies.
- We distributed £1.34m last year across 21 different funding streams, distributing around £10,000 for organisations.

- We have tried to change our model so rather than have lots of individual grant pots, we pull the money together to have a bigger impact on the sector. This was in response to coming out of the pandemic.
- Shift from small contracted grants to multiyear grants with a focus on young people, and the elderly. Addressing the digital divide and poverty.

c) Pension Poverty Project

- One of our projects is pension poverty and we know that it is huge in the area, 40% nationally. We also identified that we had £32m unclaimed pensions across the East End.
- This was due to the lack of awareness and knowledge, the complexity of claiming, impact on other benefits, reluctant to claim benefits and language barriers.
- We tackled this by bringing together several organisations including specialist advice centres such as Island Advice Centre, Local Authorities and other community organisations for roundtables.
- As the project developed, specific roles were given to each of the organisations we brought together such as Island Advice Centre to provide benefits advice, training, file reviews and supervision to community groups and fast track referrals to community groups. They also support the group in accessing to the Tower Hamlets Community Advice Network. We hope to receive the first report in April so we can start to see the learning and the impact we are having.

d) Q&A

- *How much coordination (if any) is there between Community Foundations in terms of funding focus or pan-London work?*
Pan-London work would sit with the London Community Foundation, we work locally so in terms of Pan-London funding that would come from the London Community Foundation. We work differently because we have our endowment fund and money from corporate donors, whereas the London Community Foundation runs contracts so have less flexibility to target it in a strategic way locally.
- *The GLA are doing a lot of work in London in terms of the cost of living crisis and have initiatives not just in East London but Pan-London, do you coordinate with them at all?*
We are planning to do much more of that coordination. We have the GLA on our grant committee and are trying to find ways of doing more coordination.

5. AOB

- Forum members will all receive an email with notes from this session and asking for feedback and ideas for next year's forum – please do contribute suggestions.
- Next Forum date is 24th May.
- If anyone would like to join the forum steering group or volunteer as a rolling chair, please get in touch by emailing sundus@llst.org.uk