

# LAW CENTRE (NI)



# BUSINESS PLAN 2011-2012

## About us

The Law Centre's purpose is to promote social justice and provide specialist legal support to advice giving organisations and disadvantaged individuals.

We provide specialist legal services to members in community care, employment, immigration, mental health and social security law. We support the work of advice agencies through advice, casework, training, information, publications and policy work.

## Main activities

- an advice line open to members Monday to Friday from 9.30am to 1pm in Belfast and Derry;
- a casework and representation service, including strategic court work, provided on referral from members;
- accredited and other training courses aimed at both experienced and new advisers;
- the publication of Frontline magazine four times a year, an annual encyclopaedia of social welfare law, regular bulletins on changes to law and policy and a casework bulletin detailing progress with Law Centre cases;
- quarterly practitioner meetings in community care and mental health, immigration, social security, and a forum on employment issues where advisers discuss legal issues and practitioner developments;
- informed policy comment on changes to public policy and legislation;
- seminars and other events which promote the advancement of legal and policy issues.

## Achievements in 2010/2011

- Securing through judicial review the reconsideration of a decision of a mental health review tribunal (MHRT) to continue to detain a young man in hospital, with useful guidance on reasons required in MHRT decisions.
- Obtaining a cleaning service for a wheelchair user following a judicial review. The judgment provided a valuable summary of the legal approach which must be taken to assessment of need.
- Persuading the Northern Health and Social Care Trust to change its policy on valuation of jointly owned property when conducting an assessment for financial support in residential/nursing care.
- Taking test cases towards securing the release of long term learning disability patients from Muckamore Hospital.
- Succeeding in obtaining refugee status and other rights to remain or family reunion for nationals from Afghanistan, Bangladesh, the Cameroons, Canada, China, Gambia, Iran, Iraq, Ivory Coast, Kuwait, Morocco, Nigeria, Pakistan, Romania, South Africa, Sri Lanka, Sierra Leone, Sudan, USA, Zimbabwe and a stateless person.
- Winning tribunals and settling employment cases including redundancy, TUPE, unlawful deductions from wages, breach of contract, constructive dismissal, unfair dismissal, religious, age, disability and race discrimination, pregnancy related discrimination and breach of working time regulations.
- Winning the first social security commissioner appeal on Employment and Support Allowance in Northern Ireland.
- Obtaining the right to temporary accommodation for a homeless Latvian man pending a legal challenge to the right to interim social security payments.
- Succeeding in a judicial review to improve the care services for a woman with a brain injury.
- Opening a new mental health legal advice clinic at the Tyrone and Fermanagh hospital.
- Commissioning a report from the Institute for Fiscal Studies on the impact in Northern Ireland of the Chancellor's budget and comprehensive review statements.
- Publishing a self-help redundancy toolkit and running training on its use for advisers.
- Persuading DHSSPS and PSNI to publish guidelines on welfare and safeguarding of child victims of human trafficking.
- Getting the Department of Justice to end the means-test for representation at mental health review tribunals and remove the upper limit for capital and income for legal aid for domestic violence applications (in partnership with Advice (NI), Women's Aid and others).
- Convincing DEL to keep the statutory dispute resolution procedure for disciplinary proceedings at work.
- Securing a commitment from the Minister for Justice to map administrative justice in Northern Ireland.
- Publishing a research report on tribunal reform and the needs of users and other stakeholders.
- Developing an on-line resource for the Law Centre's Welfare Rights Adviser Programme.
- Designing a website for the Mental Health and Learning Disability Alliance.
- Getting 214,580 visits on the Law Centre website and over 4.8 million file downloads.
- Introducing a new monthly e-zine for members.
- Achieving Lexcel re-accreditation.
- Delivering new courses on the Citizens Directive and Immigration EEA regulations, industrial injuries benefits, identifying errors of law and social security appeals and challenging social security overpayment decisions.

## Introduction

This is the Law Centre's Business Plan for 2011/2012. The Plan sets out our strategic objectives for the year alongside service delivery targets for casework, training, publications and policy development work.

Last year the Law Centre conducted a membership survey and received very useful and positive feedback on all our services from over 120 member organisations and individuals. This helped us in planning our work ahead.

The recession and welfare reform initiatives have placed even greater demands on our services. To help combat demand we have secured funding to develop a free representation unit to provide additional services to undertake representation at social security appeal tribunals and industrial tribunals. Getting the unit up and running will be a major task for the organisation this year. We also recognise that providing value for money is even more important than ever in the current financial climate. To this end, we will embark on an initiative with Housing Rights Service to benchmark our running costs.

The Law Centre has produced a number of notable achievements over the last year and our aim is to ensure we continue to demonstrate outcomes that improve the lives of disadvantaged individuals and communities as a result of our work.

Ensuring the experience gained from delivery services feeds into policy work remains a core part of the Law Centre's strategy and a number of achievements highlighted in this Business Plan reflect this approach.

A strong legal advice sector as a whole is also essential to allow us to effectively complement the work of frontline services. The targets for delivering services this year reflect this aim.

## Key strategic objectives

The main strategic objectives for 2011/2012 include to have:

- achieved at least ten changes in law, policy and practice as a result of our work;
- entered into at least ten initiatives in partnership with other agencies and to be able to demonstrate ten outcomes that have enhanced the rights of or improved services to disadvantaged people;
- launched and developed a free representation unit;
- held an inaugural annual social justice lecture;
- reviewed the Law Centre's Articles and Memorandum of Association;
- introduced a management competency framework;
- implemented the outcome of the Law Centre's fundraising strategy;
- secured continued funding for all Law Centre services and broken even for the financial year;
- implemented a plan to become a more environmentally friendly organisation.

Service delivery targets are set for successful outcomes at all forms of tribunals and courts in which the Law Centre provides representation.

Training objectives are set and published in a training programme sent to all members. Qualitative targets are set and measured by satisfaction rates obtained through written evaluations completed by participants. A framework to measure outcomes from training on a structured basis has been introduced to measure the impact of training.

A programme of publications and policy work is also set out for the year.

Progress in meeting organisational and other objectives is monitored through a half yearly report provided to the Management Committee which reflects on how the previous year's targets were met alongside an update on progress with this year's objectives.

## Service delivery

### Casework

The Law Centre will achieve Lexcel reaccreditation for its casework services to provide an external benchmark of the quality of casework systems and services. In addition, by 31 March 2012 we will have:

- undertaken at least 6,000 pieces of advice;
- opened 360 new cases;
- taken at least 25 strategic cases (ie cases involving court action or representation which deal with a legal precedent or cover a point of public interest or importance);
- provided representation on at least 305 occasions;
- achieved a success rate as follows:
  - ⇒ social security commissioners 55%
  - ⇒ social security appeal tribunals 60%
  - ⇒ industrial tribunals 70%
  - ⇒ immigration appeals 60%
  - ⇒ mental health review tribunals 50%
  - ⇒ court hearings 50%
- organised at least twenty subject based practitioner fora bringing advisers together to discuss key policy and legislative developments;
- to have maintained at least four hospital based legal services for mental health users.

The casework team will also be involved in delivering training, producing casework briefings and other publications, as well as material for the website and to support policy work. This is reflected in objectives contained elsewhere in the business plan.

## Training

By 31 March 2012 the Law Centre will deliver at least 78 training days from our two offices. Our aim is to achieve at least a 90 per cent outcome satisfaction in evaluation of overall satisfaction and 90 per cent satisfaction that course objectives are met. We will also conduct an outcomes tracking exercise for the Welfare Rights Adviser Programme. Our courses are linked to the National Occupational Standards for Legal Advice.

The training will include:

- three eight day Welfare Rights Adviser Programme courses – (WRAP )accredited at NVQ Level 3;
- one six day course on Tribunal Representation accredited at NVQ level 4;
- two courses on Pregnancy and Benefits;
- two courses on Benefits for Carers;
- two courses on Completing Disability Benefit Forms – Best Practice, Disability Living Allowance and Employment and Support Allowance;
- two courses on Employment and Support Allowance – Migration from Incapacity Benefit and other changes;
- two courses on WRAP Disability Benefits Refresher;
- one course on Challenging Social Security Overpayment Decisions;
- one half day course on Tax Credits Overpayments;
- one course on Social Security: Seeking Work, Other Requirements and Sanctions;
- one course on Identifying Errors Of Law – Social Security Appeals;
- one course on Commissioner Appeals – Understanding the Process;
- one course on European Law and Social Security Update;
- one course on the Citizens Directive 2004/38 and Immigration (EEA) Regulations 2006 – an Analysis of UK and ECJ Case Law;
- one course on Redundancy, Lay-Off and Employer Insolvency;
- one course on Advising Migrant Workers;
- two courses on an Overview of Mental Health Law;
- one course on Mental Health and Criminal Justice;
- two courses on Representing at Mental Health Review Tribunals;
- two courses on an Overview of Community Care Law;
- one course on Challenging Social Services Decisions;
- one course on Children, European Law and the Immigration System;
- one two day course on an Introduction to Immigration Law and Practice;
- one course on Immigration and Criminal Justice;
- two half day courses on Legal Research Skills for Advisers;
- one two day course on Advocacy Skills.

In addition, the Law Centre will meet its agreed commitment to provide two days training to each of the five health and social care trusts in Northern Ireland and to deliver a community care module as part of a partnership arrangement with Advice NI and the age sector.

## **Policy**

By 31 March 2012 the Law Centre will have delivered:

- a North/South immigration forum;
- a North/South social welfare law seminar;
- a seminar on refugee law (in partnership with Queen's University Belfast);
- a conference on judicial independence with the Attorney General's Office and University of Ulster School of Law;
- a conference on the new Capacity (Health Welfare and Finance) Bill in partnership with the Mental Health and Learning Disability Alliance;
- a seminar on funding long term care following the publication of the Dilnot review;
- at least twenty policy submissions;
- at least four briefings for the Assembly political parties and members;
- three thematic policy fora;
- four policy bulletins;
- a policy intern scheme with Transitional Justice Institute, University of Ulster;
- a roundtable with the Chief Inspector of the UK Border Agency;
- a roundtable on child care and welfare reform;

- four meetings of the Mental Health & Learning Disability Alliance;

We will have lobbied for:

- speedier resettlement of patients from learning disability hospitals;
- a system of mutual visas in common travel areas;
- a pilot guardianship system for separated children subject to immigration control;
- the right of asylum seekers to seek work;
- alternatives to immigration detention;
- new approach to alternative dispute resolution in employment cases;

We will also contribute tangibly to:

- the Welfare Reform Bill;
- the contents of the new Mental Capacity (Health, Welfare and Finance) Bill;
- the reform of the tribunal system;
- the fundamental review of legal aid

## Publications

By 31 March 2012, the Law Centre will publish:

- a book on employment rights (through SLS Legal Publications NI);
- the fourth edition of Rights in Progress;
- a report on best practice pre tribunal advice and information and tribunal reform;
- the on-line Encyclopedia of Rights (20 chapters including information on social security, tax credits, community care, employment rights and immigration & marriage). The material will also be regularly updated on the Law Centre's website;
- Students and Benefits, an online rights guide for students and their advisers;
- four editions of Frontline magazine;
- an online updated guide on migrant worker rights translated into Portuguese, Tetum, Polish, Slovak, Latvian, Bulgarian, Romanian, Russian and simplified Chinese;
- three community care information briefings;
- an annual report;
- four policy bulletins for members;
- three casework bulletins for member agencies;
- three policy briefings for members
- four immigration briefings;
- a business plan for 2011/2012;
- a training programme;
- an updated strategic casework referral policy;
- a mental health services information leaflet;
- a Law Centre membership services leaflet;
- a contribution to each edition of the Writ for 2011/2012;
- regular updates of material on the Law Centre's website, a monthly e-zine and continued development of the intranet.

In addition, the Law Centre will publicise its work, organise public events including launches, an AGM and other appropriate initiatives, issue press releases and liaise with the media as appropriate.