

social welfare law quarterly

# frontline



**Special feature: rights of older people ● Mindwise  
Mental health law reform ● Disability rights**

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# 72



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Issued by the Northern Ireland Ombudsman, Mr Tom Frawley, 33 Wellington Place, Belfast BT1 6HN

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# frontline 72

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INVESTOR IN PEOPLE



# editorial

## Competitive tendering: a warning shot to our sector

**T**he Department of Trade, Enterprise and Investment recently tendered for a money advice helpline. The successful bidder was A4e, a Sheffield based private sector company. The outcome is a warning shot across the bows to the voluntary advice sector and mirrors developments in Britain. In particular, the lesson that needs to be learned quickly is the importance of collaboration rather than competition, both to sustain existing resources and to secure new funding.

In Britain, A4e has just won contracts to run the Department for Work and Pensions Flexible New Deal programme in five areas. In the latest round of bidding, the private and public sector secured twelve out of fourteen contracts worth almost £2 billion in line with previous tender processes for new welfare to work programmes.

An analysis of government performance data undertaken by Regeneration and Renewal shows the voluntary sector outperforming the private and public sector in delivering DWP's welfare to work schemes. In practice, many private companies running the services will sub-contract the work to the voluntary sector. Serco, one of the other major players, has developed such a model with the assistance of the Association of Chief Executives of Voluntary Organisations. Elsewhere, the private sector will become fertile recruiting ground for local voluntary sector advice workers. It remains to be seen whether the recruitment of staff for the money advice line has that impact here.

At one level, there is no reason why private sector organisations should not run advice services which have traditionally been the domain of the voluntary sector. However, there is a need to pause and reflect on how new players with a very different ethos and value base will impact on the delivery of services. In 2008, a report from the Social Market

Foundation raised concerns that paying providers the same amount of money for each long term unemployed person being found a job will lead to less attention being paid to those who need most support as such individuals are too costly to assist. The Social Security Advisory Committee raised a similar concern in its report on Flexible New Deal earlier this year.

The depressing backdrop to this development is that the Department for Social Development is facing a tough financial situation with financial cutbacks on its agenda. The advice and information strategy is to be revised. A review of the Voluntary and Community Unit's Community Infrastructure Programme is in the offing. These developments coincide with a recession which is sending more people to advice agencies for help with debt, social security and employment problems. The longer term increased demands for housing and mental health advice will not be far behind. In Britain, the Ministry of Justice convened a working group to examine how to help voluntary sector advice services face the increased demands placed on them. An additional ten million pounds was found.

A similar initiative is needed for advice services in Northern Ireland. DSD has made an in year bid for monies for front line advice services and we will know shortly whether it has been successful. The Advice Services Alliance will be holding a conference in the autumn to look at how the recession and devolution of justice will impact on advice services.

These are challenging times with the playing field for the delivery of welfare rights and other services not being left solely to the voluntary advice sector. A collaborative approach is more essential than ever if voluntary sector advice is going to continue to thrive at both a local and regional level.

**Les Allamby**

## No to immigration bill

**O**n Tuesday 19 May, UNISON held an event at Stormont sending a clear message to Assembly members that Northern Ireland migrant worker communities oppose the provisions of the Borders, Immigration and Citizenship Bill 2009.

The Bill has already been debated by the House of Lords and entered the Commons for debate in June. David Simpson MP received petitions containing more than 1,000 signatures. MLAs and MPs also received copies of a briefing compiled jointly by Law Centre (NI), STEP and UNISON and fully endorsed by sixteen organisations.

Politicians are urged to consider the negative impact that this Bill could have on people living in Northern Ireland, especially in relation to acquiring British citizenship and freedom of movement.

See [www.lawcentreni.org](http://www.lawcentreni.org) for the full submission.



Taking the message to Stormont. Photo: UNISON

## ASA conference

**T**he Advice Services Alliance is planning to hold a conference later this year to look at the impact on advice services of devolution and other developments such as the recession. The conference is likely to be a partnership venture with the Legal Services Commission and Northern Ireland Courts Service.

Currently, the best guess is that devolution of justice will happen around the end of this year. The danger is that a ministry of justice becomes code for criminal justice and the courts, with civil justice issues including community advice services, tribunal reform and access to civil justice being left behind. The conference will aim to ensure that this pitfall does not occur.

## Farewell to a true gentleman

**B**ill Whitley manager of the Vine Centre's Advice Service, passed away earlier this year. Bill was well known in the advice sector, having been involved in this area of work for thirty five years. He will be fondly remembered for his dedication to his clients and for his passion and commitment to the community.



Karen Mercer, Law Centre (NI)

## Roma people flee Belfast

**F**ollowing a spate of racist attacks on their South Belfast homes, 100 Roma people have now fled the country. Only fourteen felt able to stay.

Belfast City Council, social services, the police, Housing Executive, voluntary groups and churches held discussions on how best to rehouse the families. Unfortunately, government restrictions on A2 workers do not allow them access to most forms of employment or social welfare safety nets. Add to this follow up attacks on other Roma families in East Belfast and an attack on Belfast City Church which had housed the families for one night; it is unsurprising that they felt their best option was to leave, with help from Housing Executive Emergency funds.

There was widespread condemnation of the attacks. Deputy First Minister Martin McGuinness and his colleague Jeffrey Donaldson called for the community to show a united front against racism. Lord Mayor Naomi Long said the families 'have a right to be in Belfast. They are part of the fabric of this city. I want to see them treated with the respect and dignity that I would demand for any other citizen.'

NICEM, Belfast City Church, the Anti-Racism Network and other activists are to be applauded for their prompt response in organising practical help and a support rally in the area at short notice. Several hundred people attended a follow up rally at Belfast City Hall to protest at racist attacks. Other protests are planned by trade unionists and anti-racist groups. Four young men were arrested in connection with the attacks.

All the same, it is hard to shake the feeling that racism and discrimination have won in this case and that attacks on minorities could intensify in the aftermath of this sorry episode.

Catherine Couvert, Law Centre (NI)

## National Minimum wage ten years on

The National Minimum Wage is celebrating its tenth birthday. Introduced on 1 April 1999, the legislation was one of the new Labour government's flagship policies. It was brought about after many years of campaigning by trade unions, charities and anti-poverty groups. Since then, the minimum wage has helped to increase the pay of some of the UK's lowest paid workers and narrowed the pay gap between men and women.

Citizens Advice operates the National Minimum Wage Helpline for Northern Ireland on behalf of the Department for Business, Innovation and Skills. Citizens Advice celebrated the tenth birthday with representatives of Her Majesty's Revenue and Customs (HMRC), the enforcers of the minimum wage legislation. The helpline works in partnership with the HMRC Compliance Team. It has helped identify over £3 million of wage arrears for over 8,000 workers in Northern Ireland since its creation.

The government has just announced that the minimum wage will increase slightly in October, following recommendations from the Low Pay Commission (see page 7). The Commission delayed its report this year in order to properly assess the economic impact to business during the recession. In addition, there will be changes to the way tips and gratuities can be used by employers to contribute to the minimum wage of workers in the hospitality industry.

If you have any questions about the minimum wage legislation please contact the NMW Helpline in confidence on 0845 6500 207.

**Siobhán Harding, Citizens Advice**



Derek Alcorn, Chief Executive, Citizens Advice with Diane Wilson, NMW Project Manager, Citizens Advice and Adam McMordie, Head of NMW Compliance Teams, HMRC. Photo: Citizens Advice

## NIHRC launches immigration report

At its tenth anniversary conference in April, the Human Rights Commission launched a report on the work of the UK Border Agency in Northern Ireland. *Our Hidden Borders: The UK Border Agency's Powers of Detention* examines the extent to which human rights are protected in the decision to detain individuals who are not nationals of the UK. The report also looks at how those detained can have their rights better protected.

The findings highlight a range of human rights concerns. As a result, the Commission has made recommendations that would make the experience of those coming into contact with UKBA officials compliant with international human rights standards. NIHRC Chief Commissioner, Monica McWilliams, stated: 'Individuals who are not nationals of the UK are particularly vulnerable to breaches of their human rights. Language barriers and a lack of accessible information on rights can exacerbate these vulnerabil-

ities. When those individuals are, as is current practice, detained by state agencies, the need for independent inspection and oversight is crucial.'

The investigation examines the interaction between immigration officers and passengers being questioned at Northern Ireland's air and seaports as part of Operation Gull. Operation Gull is carried out by the UK Border Agency (UKBA) immigration officers at Belfast City Airport, Belfast International Airport, Belfast City Docks and Larne Docks. It involves UKBA staff asking incoming passengers for identification in order to verify their immigration status.

The report also looks at the practice of UKBA 'visits' to people's homes and places of work for the purposes of finding individuals to remove from the UK. Co-author Dr Nazia Latif added: 'Our findings raise a range of concerns about the way immigration officers engage with individuals and how they arrive at the decision to make a recommendation for detention. We have also raised concern about the lack of consistent practice in informing detainees of their right to legal advice'.

*Our Hidden Borders: The UK Border Agency's Powers of Detention* was co-authored by Dr Nazia Latif and Agnieszka Martynowicz. It is available from the Commission's website, [www.nihrc.org](http://www.nihrc.org).

**Note:** The UKBA is opening its Public Enquiry Office and Enforcement Office in South Belfast in July 2009.



## Airport Watch goes to European court

In July, the controversy surrounding the regulation of George Best Belfast City Airport will move to Geneva, with a hearing in front of the United Nations Aarhus Convention Compliance Committee.

The hearing will take place as a result of a complaint by the Cultra Residents' Association, one of the groups belonging to the campaign group, Belfast City Airport Watch. The Committee will look into whether it is appropriate for the operation of the airport to be regulated by way of a planning agreement to which only the airport and the Planning Service are parties. It will also look into the issue of legal costs awarded against the Cultra Residents' Association after a recent judicial review relating to the manner in which the airport operates.

The Geneva hearing represents the latest in a long line of battles between the airport operators and local residents' groups on the expansion of the airport. It comes at a time when communities from North Down and East and South Belfast are engaged in fierce opposition to the controversial plans to extend the runway at George Best Belfast City Airport.

The Airport is one of only three designated 'City' airports in the whole of the European Union. Its 'City' airport status is, in part, a recognition of the fact that the airport operates in an



Photo: Martin Kerr

environmentally sensitive area with a large residential population in close proximity.

At the heart of the Geneva hearing lies the Aarhus Convention - a convention which links environmental and human rights and national governments with environmental protection. The Convention grants the public rights regarding access to environmental information and access to justice.

The residents contend that their rights to environmental justice are not properly safeguarded by the current

planning system. They also argue that recourse to the courts to enforce environmental rights remains an unrealistic and prohibitively expensive option for the average citizen.

The outcome of the Geneva hearing will no doubt be of interest to residents and participants in judicial reviews of planning and environmental issues - and, of course, George Best Belfast City Airport.

**Fiona McKinley, Park Road and District Residents' Association**

### News in brief ...

#### Charities Commission

Northern Ireland now has a Charities Commission. The new body will have considerable powers under the Act to regulate, monitor and investigate charities. Legislation also provides for a clear definition of what a charity is and a register of all charities operating in Northern Ireland. The Chief Commissioner is Tom McGrath, former chair of the Northern Ireland Tourist Board.

#### Websites and the rights of visually impaired people

Many websites use 'captchas', visual tests for users to prove that they are humans and not robot spyware. These in

effect stop blind people from using the sites and particularly affect online banking and shopping. This is just one of many accessibility issues. A study in 2004 showed that 81 per cent of websites failed to meet the most basic criteria for assisting the visually impaired, and there is little evidence of improvements since. RNIB's website, in its Good Design section, has good advice on improving accessibility: [www.rnib.org.uk](http://www.rnib.org.uk).

#### Minimum wage

National Minimum Wage rates will increase in October. The new rates will be: 22 and over: £5.80 per hour; 18 to 21-year-olds £4.83; 16 and 17-year-olds: £3.57.

In addition, the adult rate of the minimum wage will be extended to 21-year-olds from October 2010.

## Advice NI ensures access to entitlements

**Arfawn Yasin**, Benefit Uptake Co-ordinator, explains how Advice NI is responding to the recession by offering a package of services aimed at increasing take-up of benefits, tax credits, rate reliefs and Free School Meal entitlement.

Since as far back as 2005, Advice NI and member organisations have been effectively delivering on contracted benefit uptake activity. Contracts have been successfully delivered on behalf of the Social Security Agency (SSA), Northern Ireland Electricity (NIE) and Her Majesty's Revenue & Customs (HMRC). Published information by the Social Security indicates that since 2005, an additional £15 million of benefits and arrears has been paid to SSA clients as a direct result of benefit uptake activity. Additionally, the pilot NIE 'For Your Benefit (FYB)' initiative, undertaken in 2007, was independently evaluated with Advice NI exceeding targets by generating a claim rate of 42 per cent in respect of those targeted individuals receiving a Benefit Entitlement Check (BEC).

### Crunch times

It has never been so important that people are aware of all their entitlements, particularly those who have lost their jobs or seen their working week reduced as their hours have been cut. Advice NI and members have seen queries increase. There has also been a significant change in the nature of these enquiries. The debt workload of centres has increased directly as a result of changes in circumstances of households brought about by loss of employment and decreased income.

It is in this context that Advice NI and members are striving to ensure that people are maximising their income and entitlements.

### LPS pilot take up programme

Advice NI, in partnership with the Land and Property Services (LPS), is running a three month pilot Housing Benefit/Rate Relief and Lone Pensioner Allowance take up programme. The aim is to stimulate uptake of Housing Benefit/Rate Relief and Lone Pensioner Allowance entitlements.

Over the pilot period, a number of rural and urban Advice NI members will provide a BEC service to targeted clients. People will be targeted using a range of methods including outreach events, leaflets/posters, localised media promotion and through community champions.

### For Your Benefit

Due to the success of the pilot 'FYB' programme, NIE in 2008 launched a three year benefit take up programme. 'FYB' is a partnership initiative between NIE, Advice NI and specialist advice providers which helps vulnerable people identify unclaimed social security benefits. The project uses a number of methods to help increase benefit take up among the most hard to reach and vulnerable people across Northern Ireland. Just over half way through its duration, its free, confidential and independent BEC has reached over 1,300 targeted people, with a 34 per cent claim rate and around £47 additional weekly income.

The programme will continue to run until December 2010 with the overall aim of providing a BEC to 3,000 vulnerable people.

### Free school meals uptake

Advice NI is actively promoting uptake of Free School Meals and School Uniform Allowances.

It is estimated that as many as 8,000 children across Northern Ireland are missing out on this entitlement, which could amount to as much as £50 per month per child, where the parent fails to come forward to apply for their entitlement to Free School Meals.

### Multi-lingual tax credit take up

Over the last three years, Advice NI has embarked upon various online multi-lingual projects to innovatively deliver HMRC products and resources to help educate, raise awareness and support vulnerable groups with the take up of tax credits. These can be accessed via [www.adviceni.net](http://www.adviceni.net).

For more info on our benefit take up programmes, contact Advice NI on 028 90645919 or visit [www.adviceni.net](http://www.adviceni.net).

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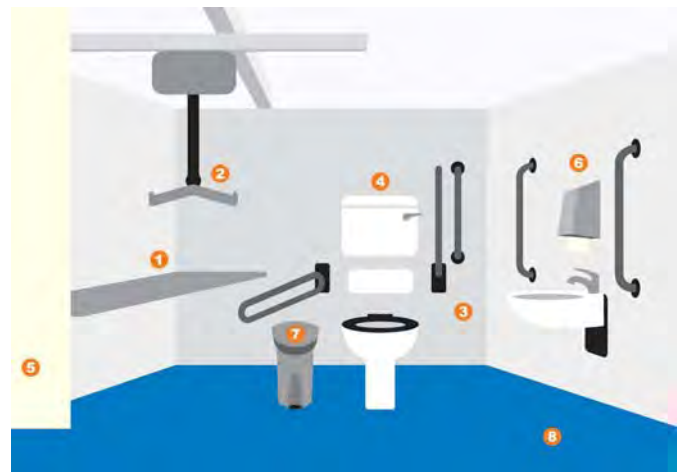
## Changing places, changing lives with Mencap

The theme of this year's Learning Disability Week, 22 to 28 June, was the **Changing places, changing lives** campaign. Mencap, together with the Changing Places Consortium, is campaigning to get Changing Places toilets installed in all big public places, such as shopping centres and arts venues.

There are only two Changing Places toilets in Northern Ireland. Without Changing Places toilets, carers are forced to change disabled family members on dirty toilet floors, limit outings or stay at home. This means families are denied the right to do normal things we take for granted - like go shopping, go out for lunch, or visit the cinema.

A Changing Places toilet is different to a standard accessible toilet. It is a room equipped with an adjustable changing bench, a mobile hoist, adequate space in the changing area for the disabled person and up to two carers, a centrally placed toilet with room either side for carers, a screen to allow the disabled person and carer some privacy, paper roll to cover the bench, waste bins for disposable pads and a non-slip floor.

You can make a life changing difference by supporting the



*Changing Places, Changing Lives* campaign and signing our online petition. To find out more about *Changing Places, Changing Lives* visit [www.changing-places.org](http://www.changing-places.org).

## Mencap in Northern Ireland

Mencap in Northern Ireland works in local communities with people with a learning disability and their families and carers, fighting to end discrimination and prejudice, and providing a range of advice, information and support services.

- A learning disability can affect someone's life in many ways, causing difficulties in learning, communicating and doing everyday things. Learning disabilities have many different causes, but are always lifelong. A learning disability does not prevent someone from learning and achieving a lot in life, if given the right support.
- Over 33,000 people in Northern Ireland have some form of learning disability. Of these, 26,500 are known to Health and Social Services and over 4,000 have a profound learning disability.
- In Northern Ireland, two babies will be born this week with a learning disability. They will face discrimination all their lives. Mencap are fighting to put a stop to this.
- For information about learning disability issues please call Mencap's Information Service on **0808 808 1111** or email [mencapni@mencap.org.uk](mailto:mencapni@mencap.org.uk)
- People with a learning disability don't get an equal chance in life. Mencap fights to change laws and services and to provide better access to education, employment and leisure facilities, supporting thousands of people with a learning disability to live their lives the way they want.

## News in brief ...

### Provision for migrant workers

The Law Centre has produced a paper on how to plug gaps in provision for migrant workers for a Department for Employment and Learning working group on migrant workers. The paper calls for an emergency fund, an audit of gaps and active research to fully cost the economic and social consequences of the lack of current provision. Read it on [www.lawcentreni.org](http://www.lawcentreni.org).

### New Polish magazine

Kropka PL is a monthly magazine for the Polish community in Northern Ireland. To contribute to the magazine or place an ad or for more information contact [info@kropkapl.org](mailto:info@kropkapl.org).

### GLA workers rights leaflets

The Gangmasters Licensing Authority produces short practical leaflets and cards in various languages for migrant workers on their right to be protected from exploitation. Good for display in your reception area. To obtain them, visit [www.gla.gov.uk](http://www.gla.gov.uk).

## Mapping the future of housing



Lord Richard Best explains the role of the Commission. Photo: CIHNI

The new *Commission on the Future for Housing in Northern Ireland* aims to set a long-term vision for the contribution of the housing system to the social, economic and environmental well-being of the region, over the next decade and beyond. Launched in April, the Commission is facilitated by the Chartered Institute of Housing, the professional body for people involved in housing and communities. It is chaired by Lord Richard Best OBE, who is joined by Professor Greg Lloyd from University of Ulster, and Alyson Kilpatrick, Barrister at Law.

The Commission was originated by, and supported by, organisations across the sector including: Construction Employers Federation; Council of Mortgage Lenders; Co-Ownership; Northern Ireland Federation of Housing Associations; Northern Ireland Housing Executive; and the Voluntary Sector Housing Policy Forum.

The Commission will sit for a year. Throughout this time, its work will be informed by testimonials, evidence sessions, research, and meetings with individuals and organisations across the housing sector and social, civic and political life in Northern Ireland. It will also draw on the experiences of other jurisdictions.

As part of the Commission's engagement process with the housing sector, a new interactive website, [www.nihousingcommission.cih.co.uk](http://www.nihousingcommission.cih.co.uk), has been established. Housing professionals can participate in policy discussions; upload individual or organisational visions for the future; and keep up to date with the work of the Commission.

The Commission will produce an interim report containing recommendations for public consultation towards the end of the year.

**Peter Shanks, Chartered Institute of Housing in Northern Ireland**

## New mortgage debt advice service

Social Development Minister Margaret Ritchie visited Housing Rights Service offices in May to formally launch a new mortgage debt advice service. Housing Rights Service will be piloting this new project thanks to additional funding from the Department for Social Development. The

project will assist those who have financial problems that threaten their ability to remain in their homes.

In the last year, there has been a dramatic increase in the number of homeowners in NI under threat of losing their homes as a consequence of debt. During 2008, a total of 3,628 mortgage possession actions were taken by lenders. This represents an increase of 64 per cent over the previous twelve month period. The number of actions being taken now exceeds the levels reached in the early 1990s.

The principal aim of the mortgage debt advice service is to help sustain communities and prevent people in NI from becoming homeless as a consequence of housing related debt. The service will seek to achieve this through:

- providing specialist debt advice and, where necessary, representation to prevent repossession and enable people to remain in their existing home;
- assisting those who are not able to retain their home to find suitable alternative accommodation.

Speaking at the launch, Janet Hunter, Housing Rights Service Director, said: 'We are delighted that the Minister has made additional resources available to enable us to provide this new mortgage debt advice service. We are hopeful that as a result of this more families will be able to stay in their homes and avoid the trauma of repossession.'

For further information about the new service contact Peter McMahon on 028 9024 5640.

**Claire Moss, HRS**



Minister Margaret Ritchie, Peter McMahon, Project Manager, Janet Hunter, Director, Lea Dickson and Louise Loughlin, Housing Advisers with the Mortgage Debt Advice Service, Andrew Hassard, HRS Chairman. Photo: HRS

# right to reply

## Comment on 'Alternatives to Detention' article

Dear Frontline

I am writing about the article featured in your Spring issue of Frontline, *Alternatives to Detention*.

Firstly, can I point out that Scottish Refugee Council supports and agrees with the main thrust and sentiment of the article. Scottish Refugee Council does not support the detention of children under any circumstances. We believe that detention is in contravention of the UN Convention on the Rights of the Child. We note and welcome that the UK government has recently accepted the extension of the Convention to include children in the immigration and asylum system and is also legislating to have a duty placed on the UK Border Agency (UKBA) on looking after the interests of children in its care. We very much hope that this will lead to fundamental changes and improvements in UKBA's approach and treatment of children and families.

The article included reference to a presentation about the 'Alternatives to Detention' project by Kathleen Burt of the UKBA Scotland and Northern Ireland region. She was quoted as saying that the project is being piloted in Glasgow 'with the collaboration of the Scottish Refugee Council'. This description very much overstates our involvement. The project is primarily an initiative of UKBA and the Scottish Government and is being delivered on the ground by Glasgow City Council. Scottish Refugee Council has certainly been, and continues to be, part of the advisory group that met over the last year. Our involvement in the project delivery will be to continue to provide our advice and information services to clients of this project as we would for all other clients.

We of course welcome any initiative whose stated aim is to find alternatives to avoid forced removals and/or the detention of asylum seekers, particularly children, and we are keen that this initiative is given the best chance and support to succeed. However, this should never be at the expense of the basic principle that asylum is a human right and people claiming asylum have the right to be treated with fairness, due legal process, humanity and dignity.

In the development of this project, Scottish Refugee Council raised many key issues that we felt were crucial to achieve these principles. Some of these included;

- Clarity on the aims and ownership of the project. The 'Alternatives to Detention' did not clearly describe the focus of the project or its aims. It was renamed and indeed has been publicly launched as the 'Family Return Project'.
- That families did not need to be relocated in order for them to experience the more intensive casework of family orientated support that this project is designed to provide.

- The guarantee of an appropriate level of independent legal support to carry out a thorough review of each case to ensure that all legal avenues are indeed exhausted and there are no human rights or protection issues families would face if they were returned.
- That there should be a clarity of the success criteria for all project stakeholders and an agreement to establish a clear methodology and evaluation process right from the start of the project.
- That a clear communication strategy be developed for the purpose and aims of this initiative with all stakeholders.
- That child impact assessments be carried out to ensure that the needs of all children in the project were being captured and met.

While some of these issues were accepted and incorporated into the design of the project others were not.

The issue of how to deal with and support refused asylum seekers is one of most challenging that the asylum system faces. We look forward to seeing the outcomes of this important pilot and hope that it does indeed provide some new solutions that ensure people have access to their internationally recognised human rights that this country has signed up to while being treated fairly and with dignity.

Yours faithfully,

**John Wilkes**

**Chief Executive, Scottish Refugee Council**



## Meeting the advice needs of older people

*Emma Murphy of Advice NI updates us on a new course targeted at advisers and others who work with older people.*

**A**dvice NI has worked with Age Concern, Help the Aged NI and A2B to develop a unique Older Person Adviser Course. The groups conducted initial research to inform the course content and structure. This involved focus groups with older people and an online questionnaire for people who work with them. Desktop research reinforced the need for the course:

- In the Northern Ireland, the number of people of pensionable age is expected to increase by 39 per cent from 2006 to 2021, from 284,000 to 396,000 (NISRA 2007);
- in the last twelve months in Northern Ireland 5,000 additional pensioners have been forced into poverty (NI Assembly 2008);
- 28 per cent of pensioners in Northern Ireland live in poverty (NI Assembly 2008);
- 64 per cent of people surveyed by Help the Aged NI agree that older people are discriminated against because of their age;

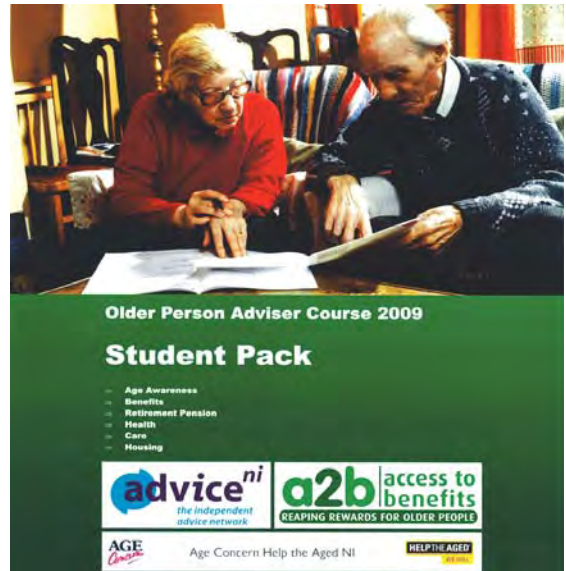
- Age Concern reports that 8.2 per cent of pensioners are living in dwellings categorised as unfit; and
- it is estimated that at least £50 million in benefits for older people of retirement age goes unclaimed every year (A2B 2008).

It is important that the needs of the increasing numbers of older people in Northern Ireland are met and that they are aware of their rights, responsibilities and entitlements on a variety of issues and services.

### The course

The Older Person Adviser Course is for advisers and others who work with older people. It aims to give them a more rounded knowledge of the issues affecting older people. It will enable more groups to be aware of, provide or direct to advice, information and support on these issues both within and outside of their field of work. There are six modules (two days per module):

**Module 1:** Age Awareness and Working with Older People



**Module 2:** Introduction to Older People's Benefits

**Module 3:** Understanding State Retirement Pension

**Module 4:** Health Rights and Services for Older People

**Module 5:** Community Care and Older People

**Module 6:** Housing and Older People

The course is accredited with Open College Network Northern Ireland at Level 3. This is comparable to NVQ3, A Level, AS Level and AVCE.

There are no entry requirements but the course will be most beneficial to those who work with or have an interest in working with older people.

Participants will be expected to complete all six modules to gain accreditation although we plan to also offer modules on a stand alone basis. Accreditation will be based on satisfactory completion of a portfolio of evidence. This will consist of a combination of class work and homework activities.

We are now piloting and evaluating the course. To register or find out more please contact Emma Murphy (Training and Development Practitioner), Advice NI, 028 9064 5919, [emma@adviceni.net](mailto:emma@adviceni.net).

The Law Centre is pleased to be working with Advice NI on the Community Care module of the course.

## Elder abuse helplines

15 June was World Elder Abuse Awareness Day. 10,000 older people in Northern Ireland are reported to have experienced abuse at the hands of a family member, friend, care worker, neighbour or acquaintance. Financial abuse and neglect are among the highest reported forms of elder abuse in Northern Ireland. Other prevalent types include physical, sexual and psychological abuse.

If you experience, witness or suspect abuse, it is important to take action. The *Uniting Against Elder Abuse* partnership advice and information leaflet sets out the key indicators of elder abuse, details how to talk about abuse and gives information about where to go for help. For a copy of the leaflet call 028 9023 0666. *Uniting Against Elder Abuse* phone lines:

- Age Concern Help the Aged NI: SeniorLine - 0808 808 7575 ; Advice and Advocacy Service - 028 9032 5055
- The Alzheimer's Society: 028 9066 4100
- Carers Northern Ireland : 028 9043 9843

Source: NICVA eNews

## Seniors money matters

**Adele Keys** of Belfast City Council reports on a successful conference for older people on managing personal finances.

**B**elfast City Council hosted its annual senior citizens convention on 18 May at the Waterfront. The purpose of the annual convention is to encourage older people to participate in civic life and to show how they can influence decisions that affect their local areas and their lives. This year, the convention focused on managing personal finances, with specific information for older citizens on the services and help available to them.

The event, compered by Lynda Bryans, was attended by over 150 people from across Belfast. They were addressed by the Lord Mayor, Councillor Tom Hartley, Northern Ireland Finance Minister Nigel Dodds and Dame Joan Harbison, the Older People's Advocate.

The theme of the convention was chosen after consultations with older people's forums showed that finance was the number one concern. The then Lord Mayor, Councillor Tom Hartley, welcomed guests and said: 'Older people are worried about paying bills and meeting health care costs while trying to leave a legacy for their children.'

*"Excellent speakers and key information"*



*"Always excellent, looking forward to the next one"*



*"Pity it only takes place once per year"*

*We grew up in an era when not being able to pay our bills was a terrifying thing and that fear still lingers among people of my generation and older. People are living longer and, for the most part, living healthier and more active lives. Belfast City Council is playing its part in this by working with other agencies to ensure older people get the best service possible.*

*We have set up an Older Persons all party reference group which has been chaired by Councillor Diane Dodds since*



L-R: Jean McFarland, Martha Mallon and Tommy Smyth share a coffee break with Lynda Bryans who chaired the Seniors Convention in the Waterfront Hall. Photo: BCC

*2007. This group looks at the best way of ensuring council services continue to meet the needs of older people.*

*We have recently completed a successful 'Be Warm' pilot project in North Belfast, which allows people to save £5 stamps towards the cost of oil bills and we are now looking at how that might be rolled out across the city.'*

The seniors' convention highlighted ways older people can help themselves and pointed them in the right direction for more information on financial guidance. Participating organisations, including the Financial Services Authority (FSA), gave information on making the most of your money.

The FSA gave advice on the importance of shopping around when buying things like insurance. It also gave information on the effective use of bank accounts and keeping an eye on bank charges and interest rates. Belfast Health and Social Care Trust looked at independent living and direct payments. Law Centre (NI) covered the legal aspects of the cost of residential and nursing care and the importance of making a will.

Discussion of issues around benefits was in demand and both Citizens Advice

and Access to Benefits ran sessions covering these topics.

Advice NI gave an update on 'the reality of can't heat or eat' debate, on which older people have been lobbying at Stormont. Age Concern Help the Aged NI discussed how to deal with elder abuse from a financial point of view.

Belfast City Council has produced a summary report of the event. It is on our website [www.belfastcity.gov.uk/seniors](http://www.belfastcity.gov.uk/seniors). Additional information on older people's issues is available on [www.belfastcity.gov.uk/seniorsinfo](http://www.belfastcity.gov.uk/seniorsinfo). This is aimed at older people, their carers and the professionals who work with them. Everybody at the event had the opportunity to ask questions and get feedback on the presentations. They also got the chance to attend workshops from the various organisations in the later part of the day.

Looking to the future, the council, in partnership with the health sector, has appointed a healthy ageing co-ordinator to support and develop the work of the Healthy Ageing Strategy. This strategy has been developed to help continue improving the health and well being of older people in Belfast.

## Older people's commissioner

### Getting it right for older people, getting it right for us all

*Michelle Smyth is project leader on the Older People's Commissioner Project. Here she sets out the age sector's hopes for the creation of a post with clout, and the work being done to further this aim.*

The age sector in Northern Ireland has been campaigning for an Older People's Commissioner for many years. While OFMDFM and the Executive have committed to the appointment of an Older People's Commissioner, the development of the legislation required to support the appointment will take some time to develop. It is anticipated that the Commissioner is not likely to be in place until some time in 2011.

#### Research

The Northern Ireland Executive has conducted a review examining the case for an Older People's Commissioner and subsequently appointed an Older People's Advocate to promote the rights of older people in the interim period. Dame Joan Harbison took up this post on 1<sup>st</sup> December 2008.

The recently merged charity Age Concern Help the Aged NI has decided to adopt a pro-active approach to securing the best possible outcomes for older people, and to articulate a strong and informed policy position. In order to do so, the charity independently commissioned research to compare potential models for the remit and powers of the Commissioner (Fitzpatrick 2008\*).

Following the dissemination of this research, two roundtable discussions were conducted. The aim was to gain a deeper understanding of the potential issues and limitations of the outlined models. The roundtables brought together representatives from the age sector, the voluntary sector and academia. They included presentations from existing Northern Ireland equality and rights agencies. This process of research and dialogue has formed the foundations of the policy position articulated in 'A



Age Sector Platform members raise older people's issues with Junior Minister Gerry Kelly. Photo Age Sector Platform.

*Commissioner for Older People in Northern Ireland: A Report and Recommendations from the Age Sector'.*

#### Vision

The age sector has an obvious interest in the development of a Commission. We also fundamentally believe that improving the position of older people in our society will deliver better outcomes for our society as a whole.

Ageing is an issue that affects everyone. Many of us have older relatives, many have caring responsibilities and we are all ageing ourselves. Our population is ageing. Ensuring that the Commissioner is adequately empowered is key to ensuring that the post will be able to make an impact where and when it matters, now and in the future.

It is imperative that the Older People's Commissioner is and remains a priority

in the Programme for Government and that sufficient investment is attributed to support strong and robust powers and duties. There is widespread agreement that the office should be established but the precise nature of the powers and duties that the office will hold must be determined specifically through the development of a legislative framework. Draft legislation is currently being prepared. It will be open for public consultation this autumn.

Aside from fulfilling its promise of protecting the rights and best interests of older people, there is the potential for the Northern Ireland Executive to lead by example. The Executive should ensure that the legislative framework provides effective powers and allows the Commissioner to deploy those powers swiftly and independently.

## The project

Age Concern Help the Aged NI and Age Sector Platform have established a project to ensure the needs of older people are at the forefront of the decision making process that will inform the powers and duties of the Older People's Commissioner in Northern Ireland. Atlantic Philanthropies is funding the project.

The project partners aim to strengthen the case for a strong Commissioner through research and continuing dialogue with interested parties from across the voluntary sector. The intention is to develop a coalition of groups with the shared goal of campaigning for an Older People's Commissioner in Northern Ireland with sufficient powers to protect the interests of older people, uphold their rights and act with urgency in cases of need.

The project will focus on involving older people and the wider public in its campaigning activities. It will develop participation mechanisms and raise awareness of the valuable impact people can make on the ultimate role, powers and functions of the Commissioner.

The project aims to reach broad agreement through a wide debate and to



**18th December 2007: Dr Ian Paisley, then First Minister, announced that an Older People's Commissioner would be appointed.** Photo: Age Concern Help the Aged NI.

## Empowering the Commissioner: essential requirements

Age Concern Help the Aged NI and the Age Sector Platform believe that the Commissioner must:

- be empowered to act independently from all other government and public authorities;
- be endowed with the capacity to undertake casework and initiate litigation in strategic cases;
- have the power to mediate on issues of contention between service providers and older people;
- have an arbitration function exercisable where time is a critical factor;
- be empowered to conduct formal investigations, issue directives, conduct audits of compliance and reviews of performance;
- be endowed with 'victim' status to enable cases to be taken without the requirement to name an individual;
- have the power to commission and publish research on issues affecting older people, provide information and stimulate debate on issues and models of good practice;
- have a duty to communicate widely, seek the opinions of older people and take their views into account.

generate informed, authoritative recommendations on the remit, requirements and powers of the Commissioner's office.

Throughout the development process and up until the appointment of the Commissioner, the project will facilitate campaigning and lobbying for a Commissioner with strong enough powers to guarantee that the rights and interests of older people are promoted and protected and that the issues affecting them are given the necessary prominence.

Work has already begun on establishing the framework for the coalition. We intend to build membership on a continuous basis. The structure of the coalition will allow for different levels of commitment in order to enable a broad range of organisations to participate according to their interests and available time. The coalition will harness relevant

expertise, promote participation in the campaign and show a united voice. Any parties wishing to support the campaign are encouraged to join the coalition.

We are also planning a programme of activities to encourage the participation of the community and voluntary sector as well as the general public. We expect to begin this in the autumn when the official consultation opens.

If you have any queries about the Older People's Commissioner Project, would like to express an interest in joining the coalition or would like a copy of our policy position paper please contact project leader Michelle Smyth: e-mail [michelle.smyth@helptheaged.org.uk](mailto:michelle.smyth@helptheaged.org.uk) or telephone 028 9023 0666.

\* Fitzpatrick. B. (2008) The Possible Remit and Powers of the Independent Commissioner for Older People in Northern Ireland. Age Concern Help the Aged NI.

## Older People's Advocate

**D**ame Joan Harbison took up her post as Older People's Advocate on 1 December 2008. The appointment is an interim measure pending the establishment and appointment of a Commissioner for Older People by the NI Executive. Her main role is to:

- give a focus for individual older people and representative groups from the voluntary and community sector to highlight issues of concern for older people;
- bring these issues to the attention of Junior Ministers in OFMDFM;
- provide Junior Ministers and OFMDFM with an analysis based on the views of the voluntary and community sectors on the impact of policies and strategies aimed at older people.

The Older People's Advocate was consulted by the age sector in its report 'A Commissioner for Older People in Northern Ireland'. Dame Joan is at present working towards establishing a consultation process to ensure the voices of individuals around Northern Ireland have the opportunity to contribute to the development and establishment of an Older People's Commissioner when the Draft Bill is published in the autumn.

**Older People's Advocate Office, Millenium House, 1st Floor, 17-25 Great Victoria St, Belfast, BT2 7BA. Telephone: 028 9031 6383. Email: info@olderpeoplesadvocateni.org. Website: www.olderpeoplesadvocateni.org.**



**Joan Harbison with Archbishop Desmond Tutu.** Photo: Older People's Advocate Office

## Changes to state pension for women

**S**ome key changes to the state pension for women are due to come into force. They include:

- From 2010, the State Pension age for women will increase gradually in a staged way from 60 to 65, to bring it in line with the State Pension age for men.
- The State Pension age for women born after 5 April 1955 will be 65.
- The age up to which women will be able to get certain benefits, such as

Jobseeker's Allowance, Income Support or Employment and Support Allowance, will increase in line with the State Pension age.

- The minimum age for claiming benefits such as Pension Credit and Winter Fuel Payments will also increase in line with the State Pension age.
- More changes will be introduced from April 2024 when the State Pension age for everyone born after 5 April 1959 will increase.

### Other changes to State Pensions

As well as an increase in State Pension age for women, further changes are planned to make State Pensions more generous and widely available. These changes only apply to people who reach State Pension age **on or after 6 April 2010**:

- The number of 'qualifying years' of paid or credited National Insurance contributions needed for a full basic State Pension will be reduced to 30 for both men and women.
- Only one qualifying year is needed to get some basic State Pension.
- Parents and / or carers may be able to build up entitlement to a State Pension through a new weekly National Insurance credit.

More information on the changes to women's State Pension age, and a calculator that anyone can use to work out their exact State Pension age, can be found at:

- [www.thepensionsservice.gov.uk](http://www.thepensionsservice.gov.uk)

Contact the Pensions Advisory Service:

- **Pension Helpline: 0845 601 2923**
- **Women and Pensions: 0845 600 0806**
- **Self-employed: 0845 602 7021**

These helplines are open Monday to Friday, 9 am to 5 pm.

### Age Concern Help the Aged NI: come together

**A**ge Concern Northern Ireland and Help the Aged in Northern Ireland have come together to create a new, independent charity for older people in Northern Ireland. We believe creating a single new charity is the best way to ensure a better life for older people here: bringing together our resources will bring significant benefits for older people and will improve our ability to deliver essential services at a time of increasing need.

It is a sad situation but older people continue to be underrepresented in society and to experience neglect, live in poverty and be discriminated against. We are determined to fight to redress these issues to create a world where older people flourish. Our commitment continues to lobbying government, providing valuable services and campaigning to improve the lives of older people now and in the future. We believe that, through the continued support of our partners and donors and by putting older people at the heart of everything we do, this vision is achievable.

**For more information on our work or to contact the charity please call Age Concern Help the Aged NI on 028 9023 0666 or 028 9024 5729.**

## Older People's Parliament

**O**n Friday 1 May, over 90 older people took part in a special Older People's Parliament at Stormont and discussed the role older people can play in improving community relations. NICVA, the community relations policy forum and the older people's policy forum jointly ran this event as part of Community Relations Week.

The title of the debate was: *This Assembly believes that older people can play a key role in creating a shared and better future.* Frances McCandless, Director of Policy at NICVA said: *'Much community relations work in Northern Ireland is rightly focussed on young people as positive advocates for change. However, older people have been and continue to be active members of the community and their contributions have not really been recognised. We feel that they have valuable experiences to share from before the conflict, during the conflict and the situation we find ourselves in today.'*

The Deputy Speaker of the Northern Ireland Assembly, Mr Francie Molloy MLA, chaired the event. The older person's



Contributors to the Older People's Parliament debate held at Stormont on 1 May 2009 seen with Deputy Speaker Francie Molloy MLA (back row, centre). Photo:

advocate Dame Joan Harbison, Baroness May Blood, Dr Nick Acheson, University of Ulster, Anna Lo, MLA for South Belfast,

Jim Shannon, MLA for Strangford and Mickey Brady MLA for Newry and Armagh contributed to the debate.

## Guidance for nurses on caring for older people

**O**n 4 June, Health Minister Michael McGimpsey launched new guidance to support nurses in delivering expert, person centred, and compassionate care to older people in Northern Ireland.

The new guidance for the care of older people has been prepared by the Nursing and Midwifery Council (NMC), the body responsible for regulating nurses and midwives. It reflects the views of older people and carers across the UK. It sets out key principles for best practice in the care of older people in all settings where nursing care is provided.

The Minister said: *'The guidance reminds us that compassionate nursing is central to quality care, and when delivered in a skilled and caring way,*

*makes a huge impact on the outcomes, and quality of life for older people. I want to see patients and carers reporting that their privacy and dignity has been protected, that they have been consulted and offered choices.'*

The NMC has also produced a leaflet for the public. 'Care and respect every time' was developed to help older people, their families and carers understand what level of care they should expect, and steps they can take when care does not meet their expectations.

Get the guidance and leaflet from [www.nmc-uk.org](http://www.nmc-uk.org).



# AN ENABLING SOCIETY OR A DISABLING SOCIETY?

*Gráinne Teggart of Disability Action looks at the first UN human rights convention of the 21<sup>st</sup> century and its implementation in Northern Ireland.*

**T**he United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) was ratified by the UK in June 2009. All key stakeholders must make themselves aware of its implications in a Northern Ireland context and of the impact it will have on their work.

Almost one in five (300,000) people in Northern Ireland have a disability - this proportion is higher here than in the rest of the UK. Over one quarter of families in Northern Ireland are affected by disability.

## Centre on Human Rights

Disability Action's Centre on Human Rights for People with Disabilities (CHRPD) works to represent the human rights of people with disabilities in Northern Ireland. Its work spans lobbying, campaigning, policy, research, outreach, advocacy and training.

The Centre is the only human rights centre for people with disabilities in the world. Through innovative and strategic approaches, it leads the way in promoting the human rights of people with disabilities in Northern Ireland and

## By 1 June 2009:

- 139 countries had signed the Convention
- 50 countries had ratified it

beyond. One of its current campaign areas is the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

## The Convention

The UNCRPD provides a significant boost for disabled people's human rights throughout the world. By ratifying it, the UK government is committing to '*promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.*'

Essentially this new 'core obligation', undertaken by the government, like other states ratifying the Convention, is to protect the human rights of disabled people as much as those of non-disabled people.

The UNCRPD is designed to integrate existing human rights protections into one text which clarifies how these obligations must be fulfilled. It does not introduce new rights for disabled people. Rather, it strengthens the protection and promotion of their existing rights by drawing together existing human rights standards and articulating their specific meaning with respect to people with disabilities.

The Convention has 50 articles covering civil, political, economic, social and cultural rights. It is based on fundamental principles of:



L-R: Peter O'Neill, Chief Executive Northern Ireland Human Rights Commission, Evelyn Collins Chief Executive Equality Commission Northern Ireland and Dr Collin M. Harper, Manager Disability Action's Centre on Human Rights for People with Disabilities (CHRPD) pictured on 3 December 2008 for CHRPD event to mark International Day of Persons with Disabilities and launch profile of UNCRPD in Northern Ireland.

Photo: Disability Action

- dignity
- independence
- freedom to make choices
- non-discrimination
- participation
- inclusion
- respect for difference
- acceptance
- equality of opportunity
- accessibility
- equality between men and women
- respect for children with disabilities.

The UNCRPD follows the social understanding of disability rather than medical model where, until recently, understandings of disability and impairment have been rooted.

The medical model views disability as synonymous with an individual's impairment and not as a consequence of the society in which we live. People with disabilities have rejected this model.

The social understanding and approach suggest that the individual and collective disadvantage experienced by people with disabilities is due to a form of discrimination that is as deep-seated in our society as racism or sexism. Instead of locating the 'problem' of disability with the individual, the social model locates the problem within wider society, and focuses on the characteristics and barriers presented by this disabling society.

### UK reservations

The UK was one of the states which recognised the need for the Convention. It played a leading role in its negotiation and indicated strong commitment to rat-

of the provisions of the Convention with respect to that state. In simple terms, this means that the government is preventing disabled people from enjoying their full human rights on an equal basis with others. It is, in effect, declaring its willingness to accept less than the agreed international standard for the protection of the human rights of disabled people across the UK.

CHRPD has campaigned at local, national and international level to have the Convention ratified in full to ensure the promotion and protection of the rights of persons with disabilities. This campaign will now lobby for the removal of the reservations and ensure that disabled people have the full human rights protections envisaged by the Convention.

### Implementation

The Office of the First Minister and Deputy First Minister will oversee the implementation of the Convention in Northern Ireland. It will co-ordinate activity at local, regional and national levels. The Northern Ireland Human Rights Commission and the Equality Commission Northern Ireland will be jointly responsible for monitoring the implementation of the Convention. People with disabilities will be watching closely to see how the commissions fulfil this new role.

**“ On paper, [people with disabilities] have enjoyed the same rights as others; in real life, they have often been relegated to the margins and denied the opportunities that others take for granted.”**

Then UN Secretary General Kofi Anan

ifying it by signing it at the first opportunity on 30 March 2007.

Unfortunately, the government has now ratified it with five reservations. These are in the areas of education, legal capacity, immigration and citizenship and service in the armed forces

'Reservations' are statements which exclude or modify the legal effect of some

Article 33 of the UNCRPD relates to how the Convention will be put into effect; 'States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor



Patrick Kyle, Member of the REAL Network, coordinated by Disability Action's Centre on Human Rights for People with Disabilities, reads a summary of the United Nations Convention on the Rights of Persons with Disabilities, produced by the CHRPD. Photo: Disability Action

implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights'.

The monitoring mechanism is unique to the UNCRPD as it does not exist in other human rights treaties.

Significantly, Article 33(3) requires civil society and people with disabilities in particular to participate fully in the monitoring process. It stresses the importance of the involvement of people with disabilities. This unique position stems, in part, from the significant role of civil society in the negotiation process.

The UNCRPD represents a paradigm shift by firmly ascribing people with disabilities as rights-holders and as subjects rather than purely as objects of law.

**For more information on the above contact Gráinne Teggart, Communications and Campaigns Officer, on email: [grainneteggart@disabilityaction.org](mailto:grainneteggart@disabilityaction.org) telephone: 028 9029 7880 or textphone: 028 9029 7878.**

# MINDWISE

## Mental health charity focuses on local needs

On 20 April 2009, the Northern Ireland region of Rethink, one of the UK's leading mental health charities, became a new and separate local charity called MindWise.

On 20 April 2009, the Northern Ireland region of Rethink, one of the UK's leading mental health charities, became a new and separate local charity called MindWise.

MindWise is a membership charity. It has been active in Northern Ireland for over 30 years, first as the National Schizophrenia Fellowship, then as Rethink (NI). It works to support those at risk of, and affected by, severe mental illness and other mental health difficulties. It promotes early intervention and offers services such as supported housing, community resource centres, advocacy, carer support, volunteer and self management programmes.

The aim of the change is to better respond to changing local needs and to tailor services to the specific health and cultural context of Northern Ireland.

One in every four people in Northern Ireland are affected by mental illness at some stage in their lives. Seamus Mullan, Chair of MindWise's board of trustees, says: *'There is undoubtedly a stigma around mental illness in Northern Ireland. We hope that the development of a local charity will work to raise awareness of the gravity of this issue and its prevalence in society today.'*

He explains that, while the name had changed, the nature of the work remains the same: *'lobbying and campaigning to promote equality and respect for all, promoting and recognising the needs of carers, families and friends while engaging with other agencies to develop first class services that represent value for money.'*

He adds that the new development gives local people and businesses a chance to *'help us make a real difference to the lives of those affected by mental ill health. Donations in cash or kind can be made directly to MindWise.'*

Commenting on the rationale behind the move, Bill Halliday, MindWise Chief Executive, says:



Bill Halliday launches new MindWise logo. Photo: Mindwise

*'With the establishment of the local executive and its scope to set budgets for mental health in Northern Ireland and the opportunities presented by the recent Bamford Review, the time was right for the Northern Ireland region of Rethink to devolve and become a separate charity in its own right. Our independent status will no doubt allow us to better take advantage of these new developments.'*

The move to independence was decided after consulting local stakeholders, and careful consideration of the practical issues involved. Bill Halliday is confident that the organisation has got it right: *'We look forward to the exciting times ahead as we unveil our future plans for MindWise and the positive impact that we hope to make in the area of mental health.'*

Mindwise will increase its focus on education and awareness. It also plans to develop specialist support systems for teenagers and young adults at risk of developing a mental illness. The charity

hopes that the earlier it intervenes to offer support when a mental illness develops the more effective and positive an individual's recovery can be.

MindWise's new identity comes from within the organisation. The new name came from a staff member, and one of the service users came up with the slogan. The thinking behind the new identity is that everyone should be 'savvy' about their mental health.

To find out more, make a donation or become a member, visit [www.mindwiseni.org](http://www.mindwiseni.org) or phone 028 9040 2323.

**MindWise**

**A NEW VISION  
FOR MENTAL HEALTH**

# CAMPAIGNING FOR LAW REFORM

## The Mental Health and Learning Disability Alliance

*Ursula O'Hare, Assistant Director (Policy) at Law Centre (NI) and a member of the Mental Health and Learning Disability Alliance, sets out the proposals of the MHLDA for a single mental health and capacity bill.*

When the DHSSPS first set out its proposals for mental health law reform and the introduction of capacity law last October, it proposed to bring about reform in two stages. First, to implement mental health law reform by 2011. Second, to introduce capacity legislation by 2014. The Alliance argued strongly against this approach. We were pleased to see in January that the Department had decided instead to bring forward simultaneously new mental health and capacity law by 2011.\* This is a challenging timetable.

The broad shape of the proposals is welcome, ie the introduction of capacity-based mental health law and new capacity law to fill a gap in the law (Northern Ireland is the only jurisdiction in the UK which does not yet have capacity legislation). The Alliance remains unconvinced, however, that the twin-track approach of two pieces of legislation, one governing mental health and one governing capacity, is the best way to proceed. We have therefore campaigned for a single bill for all those who lack capacity, whether because of a mental health issue, a learning disability or illness such as dementia. A single bill is the best way to ensure that the law regulating the needs of this broad section of society is robust, ethical and fit for purpose and that it stands the test of time.

No other jurisdiction has had the opportunity to frame a new legislative approach in this way. Northern Ireland is uniquely poised to develop groundbreaking and standard-setting legislation.

A single bill should have a single 'capacity test' sufficiently robust and responsive to apply to anyone who requires protection whether in relation to welfare, financial or health matters. It should have a common set of safeguards relating, for example, to advocacy, advance directives and the appointment of a nominated person. It should ensure that a common system of rights and

safeguards apply to all those who are detained under the legislation. One bill would be clearer and simpler to navigate than two inter-related statutes for all those involved in using it: users, carers and professionals. Under the current proposals, it seems that two pieces of legislation would develop two separate sets of provisions regulating, in some instances, essentially the same matters.

One bill would also be more administratively efficient. It would potentially minimise some of the difficult choices that may be faced by clinicians tasked with operating two pieces of legislation in circumstances where it is

- the basis for extending the assessment period from fourteen to 28 days. Any proposed extension to the period of assessment should be coupled with appropriate safeguards;
- the basis for introducing community treatment orders;
- the system of safeguards to apply under the new legislation;
- the framework for dealing with those involved with the criminal justice system.

Over the coming months, the Alliance will continue to lobby for a single bill. We will

*“ Northern Ireland is uniquely poised to develop ground-breaking and standard-setting legislation. ”*

possible that both may apply. These 'interface' problems have surfaced in England and Wales where two parallel pieces of legislation apply.

The Alliance welcomed the Department's proposals to include guiding principles in the legislation, such as reciprocity, justice etc. These will give a framework which will help to direct those using the legislation as to how it should be implemented. Some substantive issues in the Department's proposals require further consideration and we highlighted the need for clarification on:

- how determinations of capacity will be made and by whom;
- what definition of capacity will be applied;
- how the new legislation will apply to children;
- the criteria for detention for assessment and treatment for people with a mental health difficulty;

carefully scrutinise the detail of the draft legislation as it emerges.

There is before us a once in a generation opportunity to enact legislation on mental capacity and mental health that will have a significant impact on the lives of many in our society and their families. The opportunity for an innovative and transformational approach to law reform, if lost, is likely to elude us for another generation.

A copy of the Alliance's response to the Department's consultation on law reform is available on request from the Law Centre's Policy Unit. The Alliance is a coalition of voluntary, professional and other organisations working on mental health, learning disability and capacity issues. If you would like to find out more about the Alliance, please also contact the Policy Unit.

\* The *Legislative Framework for Mental Health & Capacity Law*, DHSSPS, published January 2009.

# Equality Commission

FOR NORTHERN IRELAND

## Harmonising equality laws

*The publication of an Equality Bill in Great Britain, designed to harmonise and strengthen anti-discrimination law there, has increased attention on gaps which the Equality Commission has been highlighting in equality laws within Northern Ireland. **Roisin Mallon**, Director - Equality Legislation at the Equality Commission, sets out how these key issues can affect people in all sectors of our society.*

Equality laws in Northern Ireland have been developing for nearly forty years. The foundations were laid in the 1970s with the introduction of laws covering religious and political discrimination as well as equal pay and sex discrimination. These have been added to over the decades with laws being enacted on race, age, sexual orientation and disability, as well as further amending legislation strengthening protection on all these grounds.

The Equality Bill recently published in Great Britain proposes to introduce some entirely new dimensions to equality law there and make further important additions to existing legislation. The majority of provisions are planned to be in effect by autumn 2010. However, they will apply only in England, Wales and Scotland, as equality law for Northern Ireland is a matter for the devolved administration here.

The rationale of having areas of law devolved is that Northern Ireland does not have to mirror exactly laws enacted for Great Britain. Law can be tailored to suit the particular context of Northern Ireland - and equality is one such devolved area of law. As a result, for many years Northern Ireland has had more extensive equality law in some respects than elsewhere in the UK. This was true for example in Fair

Employment legislation, and in the equality duties on public authorities under Section 75 of the Northern Ireland Act 1998.

If these new proposals are enacted, however, there will be a sharp difference between the two jurisdictions. This could result in Northern Ireland equality law lagging behind the rest of the UK. It will impose a particular disadvantage on people here. For example, employees and people accessing goods and services will not have the same protection as people in Great Britain. The confusion between what is the law in Great Britain and what is required in Northern Ireland will also be a disadvantage for employers and service providers, both private and public, who trade and operate in both jurisdictions.

There has, of course, been a proposal to have a Single Equality Bill for Northern Ireland. Although this has been extensively debated for many years, there is no concrete proposal on the legislative timetable. Accordingly, the Equality Commission for Northern Ireland has identified specific changes that we believe are urgently needed in individual areas of law. We are pressing government to move to introduce the necessary legislation. Full details of the Commission's proposals can be found on [www.equalityni.org](http://www.equalityni.org).

One key recommendation is the introduction in Northern Ireland of legislation prohibiting age discrimination when providing services or carrying out public functions. At present, age discrimination law here applies only to issues of employment and vocational training. In light of growing evidence that many people, particularly older people, are being subjected to unjustifiable discrimination on grounds of age in the provision of services - as highlighted in recent Equality Commission research - this gap needs to be rectified.

The Commission is also seeking changes to secure greater protection against discrimination for disabled people when accessing employment, education, goods and services, public transport and housing.

We have also called for the extension of current monitoring provisions under the Fair Employment legislation to include the categories of nationality and ethnic origin.

Other changes which will be implemented by the Equality Bill in Great Britain include:

- protecting carers from discrimination;
- ensuring greater transparency in the public sector through increased reporting mechanisms and expanded public sector equality duties;
- requiring public sector bodies to consider ways to reduce inequalities arising from socio-economic disadvantage;
- strengthening equal pay provisions and requiring the reporting by large private sector employers and public sector employers on the gender pay gap.

The Equality Commission has a duty to keep the equality legislation under review. We believe that the changes we have sought need to be enacted to:

- address issues identified in our statement on key Inequalities in Northern Ireland;
- help ensure parity with equality legislation in Great Britain;
- secure compliance with European and other international obligations; and
- make Northern Ireland's equality legislation easier to understand and implement.

## A8 restrictions extended

The Northern Ireland Human Rights Commission has voiced its disappointment at the government's decision to extend the Worker Registration Scheme for two more years. Migrants from A8 accession states such as Poland and Slovenia who come to live and work in Northern Ireland cannot access essential services, such as homelessness support and welfare benefits, unless they comply with the scheme.

The scheme requires them to register with the Home Office and pay a £90 fee, notifying the Home Office of their employer and all subsequent changes of employer. They must remain registered on the scheme for a continuous period of twelve months. The twelve month period is not met if they have a break from employment and/or registration totalling more than 30 days.

The scheme will now apply until 30 April 2011. NIHRC Chief Commissioner Monica McWilliams commented: *'People who are subject to the Worker Registration Scheme, but who find themselves for whatever reason unable to meet its strict conditions, are barred from accessing certain benefits and services even if they become homeless. The Commission has found that this may lead to a situation where the most vulnerable are forced to sleep rough. The government's failure to abandon the scheme is seriously regrettable.'*

The government based its decision on the advice contained in the report of the Migration Advisory Committee. NIHRC points out that the report did not take account of the human rights impact of the scheme.

NIHRC had submitted evidence to the UK Border Agency against the extension of the scheme and is currently investigating access to homelessness services for non-UK nationals. The final investigation report is due this summer.

### European case on right to marry

The Law Centre lodged an application to the European Court of Human Rights (ECtHR) in July 2007 on behalf of the

Free Confidential Independent

IMMIGRATION DETENTION  
EMERGENCY HELPLINE

0800 840 0495

out-of-hours service

RAG



O'Donoghue family. The family argued that the UK Border Agency Certificate of Approval Scheme, which requires many immigrants to obtain permission to marry in the UK, breached their human rights.

The ECtHR gave the Equality Commission of England and Wales and the Immigrant Council of Ireland permission to intervene in these proceedings.

The Law Centre has received the written observations on the admissibility and merits of this application from the UK government and submitted its reply prepared with the support of the AIRE Centre.

Full details of the government response have been circulated to immigration practitioners via the Immigration Law Practitioners' Association (ILLPA). The application details are available online at the British and Irish Legal Information Institute and elsewhere, under citation: *34848/07 2008 ECHR 1574*.

### Emergency detention helpline

The Law Centre supports Refugee Action Group's new immigration detention emergency helpline. The line will be open to callers from 15 June 2009, the first day of Refugee Week. The line offers help to people who have been stopped and held under immigration powers and to those who witness somebody being detained. The number to call is **0800 840 0495**.

RAG members, Policy Officer Liz Griffith, and Immigration Adviser Anna Morvern, have been working with the Administration Manager, Ann Cartwright, to help RAG to manage the project of setting up the helpline, which the Law Centre has agreed to host for a trial period.

### Victory for Derry client

Law Centre Derry client, Timothy Mulvaney, has been granted discretionary leave to remain after a long battle with the Home Office. Further to a tragic accident, Timothy is suffering a very rare flesh-eating disease, called necrotising fasciitis, and he has undergone a series of very serious operations.

The Law Centre put in an immigration application for him in November 2007, on the basis that he needs the care of his surgical and medical teams here, and that he has been living since his arrival from the USA with his long-term partner, Fiona, and their young daughter, Kayla.

With the help of barristers Siobhán Keegan QC and Philip Henry, we began judicial review proceedings against the Home Office. We were challenging their delay in this case and a failure by the UK Border Agency to treat the application as exceptionally compassionate.

The Home Office responded by fast-tracking the application and Timothy has been granted leave to remain.

## Backdating of entitlement to Severe Disability Premium

*Lee Hatton reviews a case which clarifies that the Income Support severe disability premium should always be backdated to the date that the claimant became entitled to DLA.*

### C4/08-09(DLA)

This decision from a Northern Ireland Social Security Commissioner considers the provisions relating to the severe disability premium (SDP) awarded with Income Support. In particular, the Commissioner considers the position where a claimant has been awarded the care component of DLA at the middle rate (while meeting the other requirements for entitlement to SDP) but fails to inform the Income Support office of this fact. Can entitlement to SDP be backdated to the date that the claimant became entitled to DLA or from the date the claimant informs the local office?

In this case, the claimant, who was in receipt of Income support, had been awarded DLA middle rate care and low rate mobility from July 2005. Following an internal notification between the Income Support and DLA office, the Income Support office was made aware of this award and included a disability

premium with his Income Support award. An IS10 form was also issued to him at this time. This form seeks to confirm the other conditions for entitlement to the SDP: that the person does not live with any non-dependants aged over eighteen years and that no one is claiming Carer's Allowance for looking after him.

Although the claimant stated that he returned this form immediately, the Income Support office had no record of it being returned. When the case went to tribunal, the tribunal decided that the form had never been returned. The claimant had, however, completed another IS10 form in January 2007 and had asked for the SDP to be backdated to July 2005 when he became entitled to DLA at the appropriate rate.

The request to backdate entitlement was refused and the SDP was awarded from the date the later IS10 form had been received. The decision was initially on the basis that by failing to return the original IS10 form, the claimant had failed to 'claim'

the SDP in time and his 'claim' in January 2007 could not be backdated. This decision was later amended to state that the IS10 form in January 2007 was notification of a change in circumstances which would allow a supersession to be made and entitlement to the SDP could not be backdated prior to the date that the claimant notified the Income Support office of the change in his circumstances.

The tribunal upheld the amended decision and decided that the SDP could only be awarded from January 2007. On behalf of the claimant, the Law Centre appealed to the Social Security Commissioner.

In allowing the appeal, the Commissioner noted that there was a specific provision in the regulations dealing with supersession which dealt with this situation. He found that the receipt of the IS10 in January 2007 should not have been dealt with under the supersession rules which relate to changes in circumstances. Instead, a specific provision requires that where a claimant becomes entitled to a higher amount of one benefit (in this case, Income Support) because s/he has become entitled to another benefit (DLA at the middle rate of care), then the requirement is that the supersession takes effect from the date that the claimant became entitled to the other benefit, in this case from the date that the claimant became entitled to the middle rate of DLA. As a result, the Commissioner decided that the claimant was entitled to the SDP from July 2005 and directed that arrears be paid in this case.

There is no doubt now that, where a claimant becomes entitled to the appropriate rate of DLA but fails to inform her/his local office for some time, the award of the SDP should still be backdated to the date that the claimant became entitled to DLA. This is assuming of course that the claimant continued to satisfy the other criteria for SDP throughout the backdating period. An IS10 form will still probably be issued in order to confirm this.

## NEW PUBLICATION



### My Rights

**As a Bulgarian or Romanian student or self employed person**

Law Centre (NI) has produced a rights guide for students and self-employed people from Bulgaria and Romania. At present only available in English, the guide is a good complement to **Your Rights in Northern Ireland, a Guide for Migrant Workers.**

It can be found on our website at [www.lawcentreni.org](http://www.lawcentreni.org).



## Loss of registered documents

This case refers to an investigation by the Ombudsman into a complaint against Land Registry of Northern Ireland (LRNI). LRNI is now part of Land and Property Services.

The complainant was dissatisfied with the inability of LRNI to meet repeated requests, made over nine months, for two important legal documents she needed for a High Court land dispute case. She failed to understand how LRNI could lose the documents without trace. She was further aggrieved about the way in which LRNI had handled representations made by her, and on her behalf, concerning the lost documents and, in particular, about LRNI's handling of her complaints under its Internal Complaints process.

The Ombudsman was pleased to note that, following his involvement, LRNI located the missing documents and issued a copy to the complainant.

The Ombudsman established that when LRNI receives a request for documents it instigates a standard request and retrieval process. Having received the complainant's request for the documents she needed, LRNI requested them from its off-site archive. The response, was that one of its officers had retrieved them ten months earlier, and they had remained out of the archive since then. However, it subsequently transpired that the documents needed were, after all, among LRNI's archive records, having been misfiled by contract staff. An officer in LRNI's Document Archive Team, who had earlier retrieved the documents, had failed to record their return to the archive.

The Ombudsman decided that LRNI's failure to track the movement of the registered documents concerned, from its offices in Belfast to its off-site archive, constituted evidence of a systemic failure. This had been compounded by the failure of LRNI's contract staff at its archive to undertake a cross check of documents received against those listed by LRNI as having been returned. As a consequence,

receipt of the documents at the archive had not been recorded and LRNI staff were involved in fruitless searches of its offices in an effort to locate them.

The Ombudsman's investigation also established maladministration in the form of delays and various failures, including a failure to keep the complainant regularly informed of efforts to locate the documents, along with details of what those efforts involved.

The Ombudsman criticised LRNI for its careless handling of this case under its Complaints Procedure. It was found to be deeply regrettable that LRNI's Chief Executive/Registrar of Titles (CE) asked a member of her staff, against whom an element of the complainant's grievance

having fallen far short of the standard that citizens have a right to expect from government departments and their agencies and which, in fairness, the Ombudsman acknowledged the LRNI seeks to deliver. The Ombudsman had no doubt that the complainant experienced the injustice of considerable annoyance, frustration, stress and inconvenience.

Having reviewed this case, the CE accepted 'that LRNI was remiss in a number of aspects concerning appropriate customer communications and the operation of a key document management process.' She added, 'I agree that, in its handling of this case, LRNI failed to meet its standards of service and I regret the distress this caused.'

***“The quality of service that the complainant received was adjudged as having fallen far short of the standard that citizens have a right to expect from government departments and their agencies.”***

was directed, to investigate the complaint and to respond to it. The Ombudsman considered that an independent and thorough examination of the complaint by LRNI at a senior level would have revealed the full circumstances of the case and the failures he had identified. The Ombudsman considered that LRNI's carelessness in handling this case under its Internal Complaints process represented significant maladministration.

The Ombudsman expressed his very grave concern that LRNI failed to carry out a thorough search of its archives until it was required to respond to his enquiries concerning this complaint. He considered this to be a further example of significant maladministration.

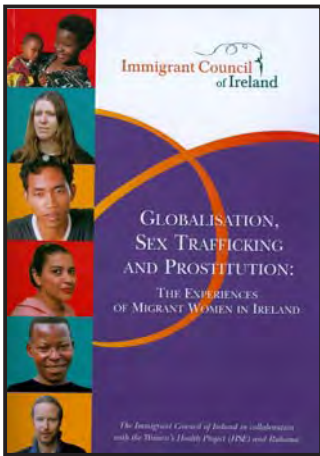
The quality of service that the complainant received was adjudged as

The Ombudsman recommended that the complainant should receive a letter of apology from the CE and a consolatory payment of £3,000. He also recommended that LRNI should reimburse the complainant for legal costs, amounting to £149.81, she had incurred in her efforts to have her complaint resolved, prior to requesting his involvement. The CE accepted his recommendations and informed him of measures LRNI had introduced in order to improve the quality of its services to customers. These were noted and welcomed.

# book reviews

## Globalisation, sex trafficking and prostitution: the experiences of migrant women in Ireland

Published by the Immigrant Council of Ireland. Available for download from [www.immigrantcouncil.ie](http://www.immigrantcouncil.ie).



● Behind the definition of trafficking is the reality of numbers, fear and abuse. This report, issued by the Immigrant Council of Ireland (ICI), shows the high level of trafficking of human beings in Ireland for the purpose of sexual exploitation. It has provided evidence based on the experience of the women involved, of the severe harm and abuse that victims of trafficking and sexual exploitation experience, both during the process of being trafficked and then in the Irish sex industry.

The research outlines the Irish legislation on trafficking and prostitution in Ireland and looks at models of good practice internationally that could be helpful. The absence of policy on prostitution is criticized as a gap in Irish legislation. Therefore, the developing of the anti-trafficking strategy is welcomed. According to the *Act to Prevent Trafficking* movement, even if a woman is recovered the risk of being re-trafficked is enormous. This is substantially due to the fact that the 'leave to remain on humanitarian grounds' provision has been removed from the new Immigration Bill in the Republic. This means that, if a trafficked woman or girl proves to have no valuable information to facilitate investigations in the area of trafficking, she will be sent home with a

real chance of being trafficked again or, surprisingly, of becoming a trafficker herself.

It is notable that current policy does not fully implement the main provisions contained in the Council of Europe Convention on Action against Trafficking of Human Beings or the United Nations Palermo Protocol. International Human Rights obligations require states to provide international protection and humanitarian response to victims of trafficking. The research evaluates the need for substantial progress to be made with the aim of fully upholding the human rights of the victims of trafficking. The criminalization of the victims has been strongly criticized in the report.

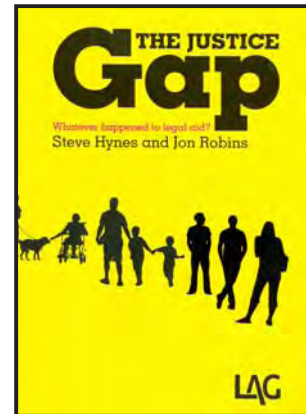
This could be interesting reading for practitioners in Northern Ireland as human trafficking is not unique to the Republic. Women packed in vans and lorries and 'imported' to work as prostitutes may not be far from being seen in NI as trafficking routes extend to include Belfast airports. Northern Ireland's land border with another European state puts it in a unique position in the UK. Cheap direct flights mean that Northern Ireland can be seen as a gateway to both GB and the Irish Republic.

The ICI compassionately tells the story of many women and children in the Republic of Ireland, who have been suffering imprisonment, brutality, rape and prostitution. The report illustrates the international practice of country cooperation and NGOs participation in preventing and tackling trafficking. The essential role of the NGOs in the process of identifying and supporting victims of trafficking should be recognized. The ICI calls in its report for the establishment of a specialized unit within the Crime Division of Garda Síochána to combat the trafficking of women and children for the purposes of that new global form of slavery - sexual exploitation. The authors are trying not only to explore the international and domestic legislation but to awaken society's awareness of that transnational crime.

Anna Traykova, Law Centre (NI)

## The Justice Gap. Whatever happened to legal aid?

By Steve Hynes and Jon Robins. Published by LAG Education and Service Trust Limited. Price £20.00.



● Coinciding with the 60<sup>th</sup> anniversary of the Legal Aid and Advice Act, *The Justice Gap* provides an interesting insight into the journey of legal aid over the years.

The book sets out the history of the legal aid system, from the initial aim of ensuring access to justice for everyone to the present day situation which the authors argue is a far cry from the original design.

The authors start with a statement of foundation principles to underpin a legal system for the 21<sup>st</sup> century. They then neatly dissect the various reforms by New Labour and the impact these have had upon the specific areas of family, personal injury and crime. They discuss the Carter review, Best Value Tendering, fixed fees and other changes. In so doing, they provide us with a comprehensive picture of the legal aid system today.

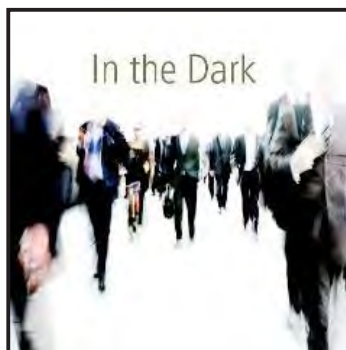
The story is not left there, however, as Hynes and Robins devote a whole chapter to proposing solutions to the problem. These proposals are far-reaching and give food for thought on how to achieve a legal aid system fit for the 21<sup>st</sup> century.

This lively discussion serves to remind us of the importance of legal aid in our society and leaves us with a vision of what our current system could be.

Karen Mercer, Law Centre (NI)

## In the Dark. Denial of basic employment rights in Northern Ireland

By Siobhán Harding Ed. Published by Citizens Advice Northern Ireland. Price £10.00, plus £2 P&P.



● This is an important and timely report from Citizens Advice Northern Ireland. It aims to shine a light into the darker corners of the labour market, revealing that many workers in Northern Ireland are being deprived of their basic employment rights.

Those who are being exploited are often from the most marginalised and vulnerable groups in our society and can find it difficult to make their grievance heard. Their voices come through clearly in the case-studies that punctuate the report. This sort of anecdotal illustration brings home the human impact of employment abuses and the reader gains an insight into the problems from the perspective of frontline CAB advisers.

As the report notes, many new and improved employment rights have been established over recent years, but development of the systems for enforcing those rights has lagged behind.

Workers are often unaware of their rights and have no idea how their rights can be enforced, so Citizens Advice calls for publicity and outreach programmes to educate both employers and employees.

Workers attempting to assert or enforce their rights must either work through a statutory enforcement agency or bring a case to the Industrial Tribunal, and the report identifies the problems with the current fragmented and patchy enforcement system. It calls for the establishment of a statutory enforcement body that has the central power to deal with all basic statutory employment rights. An agency of this sort, the National Employment Rights Authority, operates in the south of Ireland and plays a vital role in securing the basic rights of vulnerable workers. Reform would certainly be welcome, as at the minute many workers feel that rights that cannot be enforced are not truly rights at all.

## Library news



### Recent additions to the Law Centre library

#### Books and reports

***The merits of a contingent legal aid fund.*** Discussion Paper (Bar Council: on the Bar Council website).

***Too little too late: an independent review of unmet mental health need in prison.*** Edgar, Kimmitt and Rickford, Dora. Prison Reform Trust, 2009.

***Globalisation, sex trafficking and prostitution: the experiences of migrant women in Ireland.*** Immigrant Council of Ireland, 2009.

***Review of developments in employment law (in Northern Ireland) 2008-09.*** Maxwell, Patricia, Labour Relations Agency (on LRA website).

***Expectations and aspirations: public attitudes towards social care.*** IPPR, April 2009. PricewaterhouseCoopers.

***Review of developments in employment law (in Northern Ireland).*** Maxwell, Patricia. 2008-09. Labour Relations Agency (available on their website)

***A guide to judicial careers in Northern Ireland.*** Northern Ireland Judicial Appointments Commission. NIJAC, 2009.

***Guidance for the care of older people.*** Nursing and Midwifery Council, March 2009 (available on their website).

#### Journal articles and websites

***Flexible working: the right to request (guidance on the updated flexible working arrangements)*** Adviser May/June 2009.

***Health in Pregnancy Grant - outline of the new scheme for all expectant mothers.*** Adviser 133, May/June 2009.

***House of Lords decision on allocating social housing (R (Ahmad) v Newham LBC [2009] UKHL 14, 4 March 2009)*** Legal Action, May 2009.

***Protective costs orders and claims under the HRA.*** Legal Action, May 2009.

***Right to reside - the pregnant pause. (Martin Williams looks at the issues for pregnant EEA nationals caused by the 'right to reside' requirement)*** Welfare Rights Bulletin (209), April 2009.

***The use of section 136 to detain people in police custody.*** Journal of Mental Health Law, Spring 2009.

Currently, the enforcement of many employment rights is entirely up to the individual workers who must negotiate the statutory dispute procedures and take their claims to an Industrial Tribunal. The report illustrates how intimidating and unfriendly this system is for individuals, who may justifiably feel that the odds are stacked against them.

The Department for Employment and Learning has just launched a consultation on the operation of the statutory

procedures and Industrial Tribunals that also seeks to look at alternative systems for resolving workplace disputes. We would urge all readers who have an interest in employment rights to use this opportunity to try to shape any changes for the better. This Citizens Advice report will certainly have a valuable role to play in shaping the debate.

Daire Murphy, Law Centre (NI)

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### Contact information:

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**Tel: +44 (0)28 7137 5146. Email: [llm@ulster.ac.uk](mailto:llm@ulster.ac.uk)**

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### Derry

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Introduction to Immigration Law

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Welfare Rights Adviser Programme

6 Oct - 24 November 2009

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### Contacts

For details of courses run in Belfast, contact Deborah Hill at:

**Telephone:** 028 9024 4401 **Fax:** 028 9023 6340 **Textphone:** 028 9023 9938 **Email:** [deborah.hill@lawcentreni.org](mailto:deborah.hill@lawcentreni.org)

For courses run by the Western Office, contact Noirin Hyndman at:

**Telephone:** 028 7126 2433 **Fax:** 028 7126 2343 **Email:** [admin.derry@lawcentreniwest.org](mailto:admin.derry@lawcentreniwest.org)