



# **SOCIAL JUSTICE IN ACTION**

**Law Centre (NI)  
Impact report  
2014**

# How we help

The Law Centre promotes social justice through expert legal services.

We provide specialist legal support to disadvantaged individuals and to advice agencies.

We work closely with our membership and with our partners in the Northern Ireland Advice Services Consortium.

## OUR SERVICES

Advice  
Casework  
Training  
Information  
Policy development

## OUR EXPERTISE

Social security  
Immigration  
Community care  
Mental health  
Employment

## We provide:

- an advice line for members to refer clients or get support in their casework;
- casework and representation service and strategic litigation work on referral from members;
- training for experienced and new advisers;
- an annually updated guide to social welfare rights, regular information bulletins and briefings on changes to law and policy;
- a library and information service;
- informed comment on changes to public policy and legislation;
- an annual social justice lecture;
- quarterly practitioner meetings on legal developments in social security, community care, mental health and immigration rights;
- support for cross-sectoral working groups on policy issues;
- support for MLAs and other policy makers through seminars, and through providing legal and policy information.

**Advice line:** 028 9024 4401 and 028 7126 2433  
Monday to Friday, 9.30am to 1.00pm

**Website:** [www.lawcentreni.org](http://www.lawcentreni.org)

**Twitter:** @LawCentreNI

**Enewsletter:** [www.lawcentreni.org/publications/enewsletter.html](http://www.lawcentreni.org/publications/enewsletter.html)

**We are committed to equality and human rights, pioneering, excellence, independence, accountability and partnership.**

# Social justice in action

## An overview by our director and chairperson

### Law as a tool for social change

Welcome to the Law Centre's 2014 impact report. Over the last year, the Law Centre helped clients facing destitution, exploitation, family separation, employment disputes and difficulties surrounding care and mental health issues. We have enabled clients to get their social security entitlements; made it possible for asylum seekers to secure refugee status and build a new life in Northern Ireland; supported victims of trafficking to begin a process of recovery from the trauma of their exploitation; resolved employment problems affecting people's lives; secured care packages for adults and carers in need; and supported patients detained in psychiatric care to challenge their detention.

Access to expert advice is an essential element of an effective advice system, and the impact of the Law Centre's expertise extends beyond those individuals and families directly affected by the advice and support we provide. The Law Centre's role within the advice sector is both unique and vital, supporting frontline advice agencies to resolve complex issues and providing the expertise to challenge cases in the higher courts. This year, for example, we applied for leave to the Supreme Court on a challenge to child benefit rules which has UK-wide implications. We have been asked to give expert opinion before the social security commissioners on points of social security law. We have successfully brought judicial review to clarify the scope of mental health law.

The Law Centre is distinguished by its sectoral position as a trusted and credible source of policy advice. Our policy advocacy work, which is rooted in our legal expertise and casework, ensures that the Law Centre has a continued legitimacy and credibility from which to advocate for social change.

The Law Centre also continues to build sectoral capacity through its Legal Support Project. This

year the excellence of our volunteer experience through the Legal Support Project was recognised with the award by Ulster University for Best New Placement Employer.

In our outreach work this year, we produced a new guide for advisers on refugee integration and a guide for patients in hospital psychiatric units and we continued to develop new training courses to meet the needs of new and experienced advisers.

2014 has been a year of transition and change in which we bade farewell to our long-serving Director, Les Allamby, as he took up a new role as Chief Commissioner of the Northern Ireland Human Rights Commission. What has remained constant, however, is the Law Centre's commitment to using the law to promote social justice, and the continued dedication of its staff and management committee in achieving this objective. With public sector cuts affecting the sector and impacting on our clients, now more than ever, the Law Centre's track record of tenacity, creativity and a solutions-focused approach in pursuit of our mission to promote social justice will be tested. There is important work to do to continue to make a difference in people's lives and we look forward to the challenges ahead, confident in our ability to make a positive impact in delivering social change.

Michael Beggs



Gráinne McKeever, Chairperson

Sarah Hunter



Ursula O'Hare, Acting Director

# One year's achievements

Catherine Couvert



Jacqui Loughrey, Social Security Legal Adviser

## Casework

**8,833** advice calls taken

**377** new cases opened

**227** court and tribunal representations  
(including cases settled prior to hearing)

**50** strategic / public interest cases opened

### Success rates at courts and tribunals

Social security commissioners **71.4%**

Social security appeals **76.6%**

Industrial tribunals **88.8%**

Immigration appeals **59.5%**

Mental health tribunals **80.0%**

Court hearings **62.5%**

## Legal Support Project

**140** active cases

**1,916** pro bono hours giving legal support

## Training

**104** training days delivered

**1,186** people trained

**311** in programme courses

**215** in contracted HSC Trust courses

**633** in bespoke courses and seminars

**99.5%** satisfaction rate

**1** new solicitor trained through our Legal Apprentice scheme

**61** volunteers trained through LSP



Michael Beggs

Training certificates presentation at Law Centre (NI) AGM 2013

The statistics in these two pages and the financial statement on page 27 are from financial year 2013-14.



## Policy

- 9 conferences and seminars
- 20 policy responses
- 4 briefings
- 2 evidence submissions



Michael Beggs

Michael Copeland MLA and Mickey Brady MLA spoke at the Law Centre's AGM 2013

Courtesy of Belfast City Council



Milyami Unamoyo presents Refugee Transition, a guide written and produced by the Law Centre on behalf of Belfast City Council.

## Communications and publications

- 236,621 visits to our Encyclopedia of Rights Guide
- 397,905 visits to individual pages of our website
- 206,953 people used our website
- 641 Twitter followers
- 7,957 documents downloaded
- 60 publications produced, including new guides on:
  - Migrants and Benefits;
  - Rights in Progress fourth edition;
  - Your Legal Rights in Hospital: rights of people in psychiatric care;
  - Refugee Transition, a guide for people who have just received refugee status.

***'I consider Law Centre (NI) one of the most reliable means of up to date, correct information.'***

**Respondent in membership survey**

## External awards

**University of Ulster Placement Employer of the Year Award – best new partner: Legal Support Project**

**Lexcel re-accreditation**



Catherine Couvert

# Social justice in action

## Social security

### Strategic casework

Our social security advice line gave expert advice in 1,953 queries in 2013-14. We represented 141 cases at Social Security Commissioner and Tribunal hearings, with a success rate of 71.4% at Social Security Commissioners and 76.6% at social security appeals.

We take on complex cases passed on by our members. In 2013-14, we took on 11 test cases of public interest.

Some of our cases with a far-reaching impact are listed below and overleaf in 'Casework Snapshots'.

### Keeping advisers updated on the law

#### Migrants and benefits

We produced an online guide on Migrants and Benefits to help claimants and advisers understand a complex and rapidly changing system. The guide complements work done by our partners in Belfast Integration and Participation Project for the successful integration of migrants in society.

Responding to high demand from advisers, we produced a briefing on recent changes to residence requirements for benefit entitlement which affect both migrants and local people returning after long absences.

### Casework Snapshots

### Test cases with a wide-reaching impact

#### Challenging ordinary residence and right to reside test

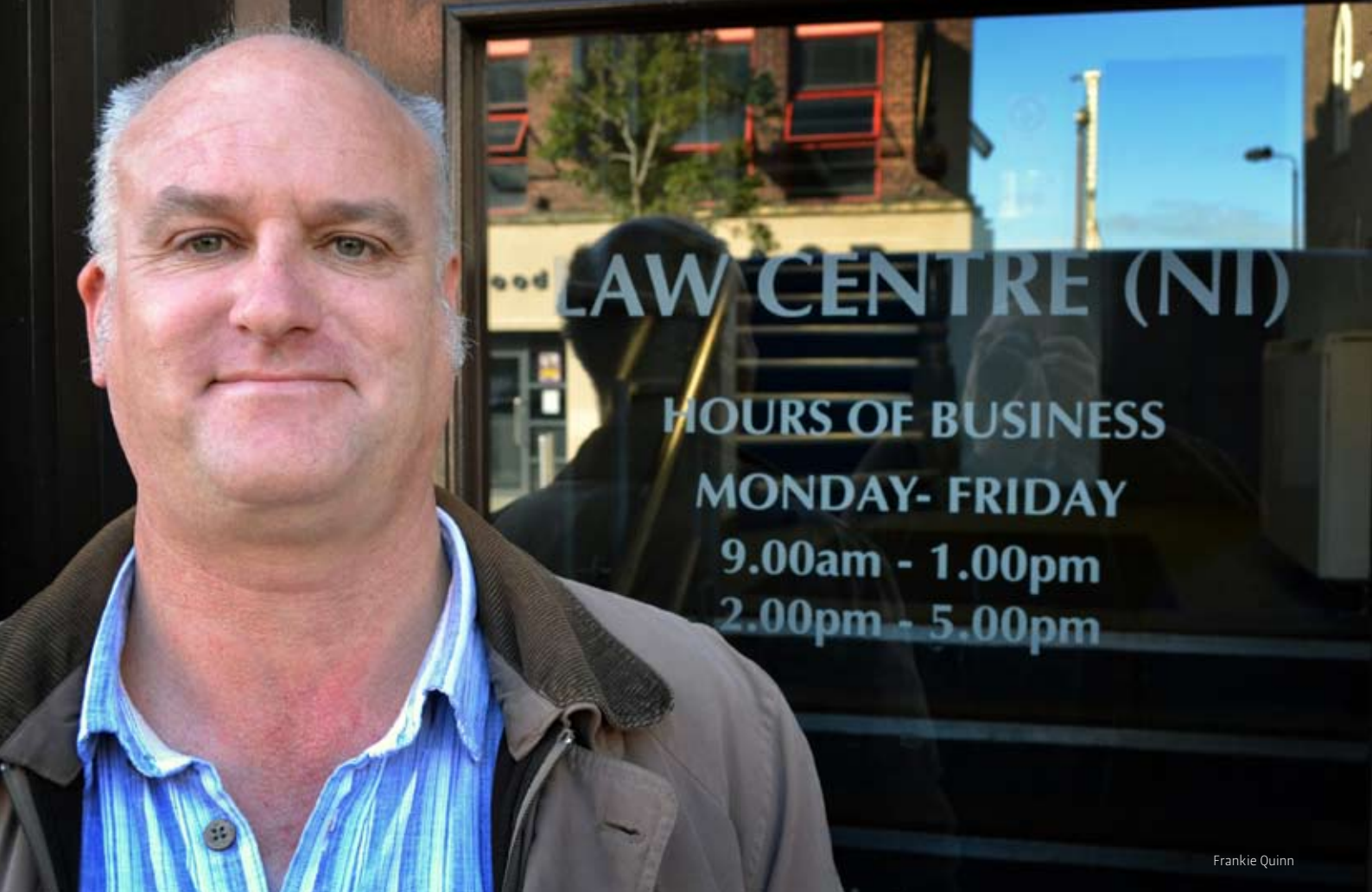
The Law Centre is pursuing an important legal challenge of UK-wide interest on residence rules for Child Benefit. We argued that the 'ordinary residence and right to reside test' for Child Benefit was unlawful direct discrimination under EU law and won before the Commissioner. The Court of Appeal allowed HMRC's appeal against the Commissioner's decision. We have applied to the Supreme Court for permission to appeal.

#### Asserting the need for full medical evidence to be considered

We secured backdated payments of ESA and high rate DLA for a person with Chronic Fatigue Syndrome, having persuaded Social Security Commissioners, the Appeal Tribunal and the Department for Social Development that all medical evidence should be taken into consideration, not just the Work Capability Assessment.

#### Clarifying Child Benefit and Child Tax Credit fast-track procedure

Staff in jobs and benefit offices sometimes underestimated the scope of the fast-track procedure for Child Tax Credit claims, resulting in families living in poverty for several months. As a result of a Law Centre case, the Social Security Agency agreed to explain the relevant guidance to frontline staff to avoid similar situations in future.



Frankie Quinn

## Client Story

### ESA entitlement carried over between GB and NI

#### Gary Colburn

In 2013, a strategic case taken by the Law Centre had led the Department for Social Development to establish an extra statutory scheme which enabled people to keep their contributory Employment and Support Allowance when moving between Northern Ireland and Britain. We were able to draw on this to help Gary Colburn, and in the process extend the scope of the scheme to income related ESA.

Gary Colburn was referred to us by Citizens Advice and Belfast Welcome Centre. He had claimed income related ESA in England and passed the Work Capability Assessment. In June 2013 he received a decision that he would not be reassessed for 18 months. He moved to Belfast in August and when he attempted to transfer his claim he was told to make a fresh claim, serve three waiting days, submit further medical evidence and start a new assessment phase which means at least 13 weeks at a reduced rate, further form filling and medical assessment. He found the experience very traumatic.

We asked the Department to extend the scheme to cover income related ESA. The Department agreed to do so and assured us that ESA will be included within reciprocal arrangements if and when welfare reform legislation is implemented in Northern Ireland.

Mr Colburn has been paid arrears of £650 and has not had to go through a fresh claim assessment. Thanks to this decision, we have been able to help several other people to access the extra statutory scheme. The new scheme continues to benefit many more people moving between here and Britain.

## **Defending the most vulnerable**

### **Lifting family out of poverty through reinstating Child Tax Credit**

We helped a refugee whose payments of Child Tax Credit for her six children were stopped after her husband had joined her from Dublin, also claiming asylum.

Despite many attempts, the couple had made no progress when they contacted the Law Centre for help. They had been receiving £50 per week from the Red Cross.

We challenged the decision via an emergency judicial review. A week later, HMRC confirmed that the claim was processed but said the payment would take up to seven days. We requested an emergency payment and a back-payment of over £2,000 was made on the same day.

### **Defending clients on DLA and mobility issues**

We represented a man who suffers from degenerative back pain and walking difficulties. He received a life award of DLA high rate mobility and middle rate care in 1993. In 2012 he was told he was not entitled to DLA any more. On appeal, the tribunal upheld the Department's decision. We appealed to the Commissioner who agreed that his condition had in fact worsened, and that an indefinite award cannot be removed just because the decision maker has a different opinion from a previous one.

### **Pooling our expertise to resolve complex needs**

Working together across our social security, immigration and community care legal advice units, we helped a family who had fled the conflict in Syria. The mother was entitled to be here as a British citizen. We helped the father apply for asylum.

The family was living in extreme poverty due to a series of incorrect decisions on the habitual residence test and the fast-track procedure for claiming benefits. We organised emergency help from the health and social care trust.

Following our representations, the Department for Social Development acknowledged its mistake, benefits were backdated and compensation awarded. The family now receive Jobseeker's Allowance, Housing Benefit, Child Tax Credit and Child Benefit.

### **Volunteer development in support of clients**

A Legal Support Project (LSP) volunteer represented a man who suffers from severe pain following an accident at work and who had been refused Employment and Support Allowance on conversion from Incapacity Benefit. A tribunal rejected his appeal and our social security unit successfully appealed to the Commissioner. Following this, he was represented at a fresh social security appeal by an LSP volunteer. He was awarded the work related activity component and received a backdated payment of approximately £10,000.

***'The Law Centre advisers have been helpful with the advice we give in the churches sector in how pastoral workers should signpost people they meet in crisis situations. Knowledgeable, courteous and helpful.'***

**Respondent, membership survey**



***‘The welfare rights practitioner meeting is useful for raising awareness of social policy issues and facilitates advisers meeting from different groups to share experiences.’***

**Respondent in membership survey**



Michael Beggs

Social security practitioners meeting at the Law Centre hear about changes to benefit rules.

## **Supporting advisers**

### **Practitioner meetings**

At regular practitioner meetings this year, we have updated advisers on benefit changes for migrants. Practitioner meetings are attended by Law Centre members and advisers from both voluntary and statutory sectors.

### **Welfare reform**

Together with our partners in Northern Ireland Advice Services Consortium and Northern Ireland Council for Voluntary Action, we held a conference on welfare reform where Mervyn Storey MLA, Minister for Social Development, explained his plans for a Northern Ireland package, and where speakers from England and Scotland shared their experience with local advisers and policy makers.

### **Capacity building**

Capacity building for our members and other advisers continues to be delivered through courses such as our Welfare Rights Adviser Programme and Tribunal Representation course.

We gave updates on welfare reform for the Cedar Foundation, on social security and EU citizens for EXTERN and Council for the Homeless, and on benefit changes and poverty for Joseph Rowntree Foundation and Belfast City Council.

## **Driving policy change**

### **A positive role in mitigating welfare reform**

Through the Social Security Advisory Committee, we persuaded the Department for Work and Pensions to withdraw a regulation to increase direct deductions from Universal Credit for rent arrears from five per cent of standard allowance to 40 per cent.

### **Improving the Work Capability Assessment**

We responded to the Work and Pensions Committee's call for evidence on the Work Capability Assessment, highlighting the lack of an accessible assessment centre in Belfast and the need for audio recording facilities. We have also been challenging the lack of accessibility through our casework.

We hosted the Northern Ireland hearing by Dr Litchfield of his UK-wide review of the Work Capability Assessment. Representatives of the voluntary advice sector and of Belfast Health and Social Care Trust highlighted the need for improved application forms, translations of ESA materials, help for young people in the support group and better training for WCA staff on learning disability. Dr Litchfield will present his final report to government in the next few months.

### **Making residence requirements fairer**

Through our casework, we persuaded DSD's Debt Management Service to include leaving Northern Ireland to attend a funeral in its exceptions to the three months residence requirement for seeking Jobseeker's Allowance.

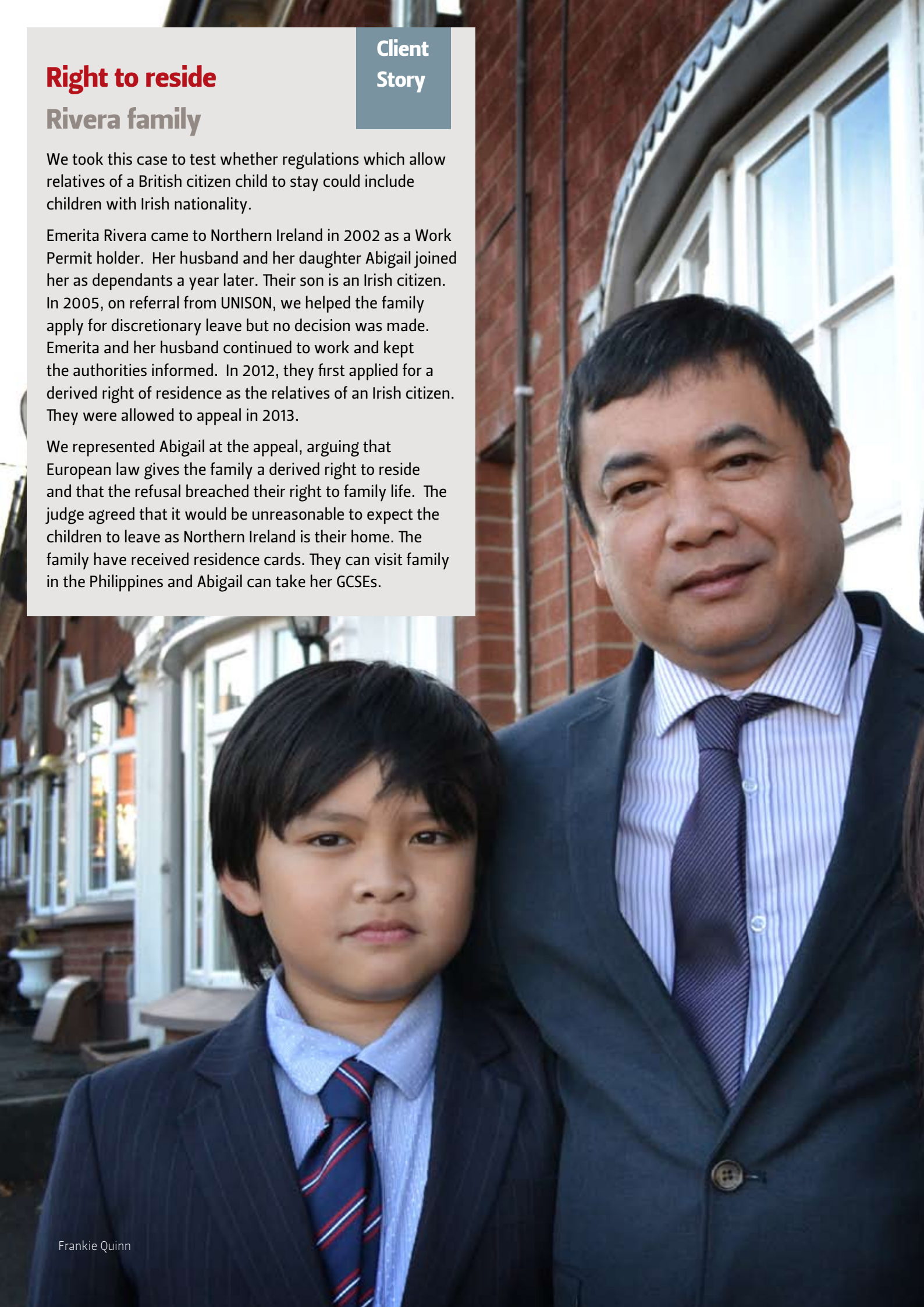
## Right to reside

### Rivera family

We took this case to test whether regulations which allow relatives of a British citizen child to stay could include children with Irish nationality.

Emerita Rivera came to Northern Ireland in 2002 as a Work Permit holder. Her husband and her daughter Abigail joined her as dependants a year later. Their son is an Irish citizen. In 2005, on referral from UNISON, we helped the family apply for discretionary leave but no decision was made. Emerita and her husband continued to work and kept the authorities informed. In 2012, they first applied for a derived right of residence as the relatives of an Irish citizen. They were allowed to appeal in 2013.

We represented Abigail at the appeal, arguing that European law gives the family a derived right to reside and that the refusal breached their right to family life. The judge agreed that it would be unreasonable to expect the children to leave as Northern Ireland is their home. The family have received residence cards. They can visit family in the Philippines and Abigail can take her GCSEs.







***‘To all the staff of Law Centre (NI), especially to our legal adviser, for patiently believing in our immigration case, we will always be grateful for all that you have done to help us.’***

**Emerita Rivera**

# Social justice in action

## Immigration, asylum and trafficking

This year, we secured positive outcomes in immigration, asylum and trafficking cases for people from Romania, Hungary, Ukraine, Turkey, Philippines, Thailand, China, East Asia, Mexico, Sudan, Zimbabwe, Kenya and West African countries including Nigeria.

On behalf of Belfast City Council, we produced Refugee Transition, a guide for people who have just received refugee status. Available on the Council's website and distributed by organisations working with refugees, it is also used by advisers and statutory agencies.

### Raising awareness

A short film based on a composite story of Law Centre cases involving forced labour in the food

packing industry won the UK-wide Unchosen Modern Day Slavery Short Film Competition.

We spoke on local TV and radio about the challenges faced by asylum seekers in Northern Ireland.

During Refugee Week, we put together briefings that informed a Northern Ireland Assembly debate, highlighting the positive contribution of refugees and asylum seekers and the reality of their lives.

We delivered new advanced courses for advisers on the Immigration Act 2014 and on movement between European Countries for asylum seekers and provided bespoke training on trafficking and modern slavery for VOYPIC, the AIRE Centre, Women's Aid and Queen's University.

### Casework Snapshots

#### Keeping families together

##### Family reunion and the rights of children born in Northern Ireland

We helped a non-EU national who left her husband because she was a victim of domestic violence. Her divorce rendered her EEA residence card redundant. We applied for residence for her as the primary carer of British citizen children and for her non-EU children as her dependants. They have all been granted five years residence.

We represented Nigerian children who had been refused an EEA residence card although their brother is an Irish citizen. As the children have been here over seven years, the judge accepted that they should not have to leave and allowed the appeal on human rights grounds.

##### Long term partners allowed to live together

We represented a non-EU national who wanted to live here with her British/Irish partner. Her partner's health issues prevented them from living together in the non-EU country. Our client applied for a residence card but the couple were not civil partners and the Home Office did not accept that there was enough evidence of a durable relationship or of her partner's incapacity for work. The immigration judge allowed our appeal and the Home Office has now granted permanent residence.





Refugee week: North/South roundtable discussion on asylum at Stormont Castle.

## Driving legal and policy change

### Advocating for racial equality

We endorsed the Common Platform response to the Office of the First Minister and Deputy First Minister's Racial Equality Strategy and argued the need for a refugee integration strategy. As we had advised, the Racial Equality Strategy contains a commitment to examine immigration and asylum policy in light of local needs. We continue to chair OFMDFM's Immigration Sub-Group.

We chaired a seminar on working with Roma people, organised by the Community Foundation for Northern Ireland.

### Working with Stormont to improve support for migrants and asylum seekers

The Office of the First Minister and Deputy First Minister has announced plans to expand a crisis fund for destitute migrants, refugees and asylum seekers. The Law Centre introduced the idea five years ago. A small fund piloted through the Community Foundation in 2012 made a real difference to the lives of over 1,000 people.

Following extensive engagement, DHSSPS and the Health Committee agreed to amend regulations to expand access to health care, specifically full, free healthcare for all asylum seekers and free GP access for other vulnerable migrants.

We held a roundtable discussion with the Irish Refugee Council on asylum on the island of Ireland, hosted at Stormont by OFMDFM's Junior Ministers. The Ministers heard participants' concerns and strategies on issues affecting asylum seekers and refugees in both jurisdictions.

### Working for better protection for victims of trafficking

In the last year, the Anti-trafficking Young People Project has given specialist legal advice and representation to victims of trafficking aged 11 to 25. Funded by Comic Relief, the project has also contributed to policy development.

This year, Lord Morrow's Human Trafficking and Exploitation Bill cleared Consideration Stage. Following joint lobbying by the Law Centre and the Northern Ireland Children's Commissioner, the Bill now contains a provision that will give all separated children – whether trafficked or not – access to an independent legal guardian. Northern Ireland is the first jurisdiction in the British Isles to introduce this vital measure.

We continue to participate in the Department of Justice (DoJ) engagement group on trafficking. In April, we hosted a discussion on supporting victims of trafficking to rebuild their lives, with Lord Morrow, DoJ Minister David Ford and Jenny Marra, Labour MSP for North East Scotland, an opportunity for local agencies to learn from initiatives in other jurisdictions.

In a visit hosted jointly by the Law Centre and Department of Justice, EU Anti-Trafficking Coordinator Myria Vassiliadou met NGOs and statutory bodies to discuss efforts to combat trafficking and protect victims. We brought to her attention a number of cross-border issues affecting victims of trafficking.

We responded to the Home Office review of the National Referral Mechanism, a system set up to identify and support victims of trafficking. We are calling for significant reform, including removing the Competent Authority role from the Home Office and introducing a right of appeal for those who get a negative decision.

## Protecting people from exploitation

### Casework Snapshots

#### Asylum seeking family safe from persecution

We represented a man who had fled persecution due to race and political opinion. His asylum application in the Republic of Ireland was refused and, while awaiting his appeal, he came to Northern Ireland with his wife and children. The Home Office issued removal proceedings but we argued that this would not be in the children's best interests due to problems with the Direct Provision asylum support system in the Republic. The Home Office agreed not to remove him but then refused asylum. We appealed again and the judge granted refugee status as the risk of persecution remained.

#### Worker duped into forced labour granted status as victim of trafficking

We represented a man who was recruited via an agency in the Philippines, thinking he was going to England for a short while to earn money for his family. On arrival, he realised he was in Northern Ireland and was made to work for long hours on fishing boats. Migrant Help referred him to us. We made representations on his behalf on grounds of deception and forced labour and the Home Office agreed that he was a victim of human trafficking. He has been granted a one-year residence permit with the right to work, as he has to help with the police investigation.

#### Support for young people who have been trafficked

This year, the number of minors going through the National Referral Mechanism has increased, although numbers remain small. Because of successful recoveries by the police, our caseload has shifted towards Eastern European victims of labour exploitation. Good representation gives them the confidence to stay and help with police inquiries.

We set an important precedent through a case where the Home Office recognised that our client's personal circumstances were sufficient grounds for granting the right to reside on medical grounds as a victim of trafficking. Once a non-EU person is recognised as a victim of trafficking, the next stage is getting permission to stay. That can happen in two different circumstances, one of which is if personal circumstances necessitate it, the other if the person is involved in a police enquiry against the traffickers. Allowing the right to stay on medical grounds had not so far been Home Office practice. This shift in decision making may help people who are suffering as a result of their trauma or where for whatever reason there is no criminal enquiry ongoing in their case.

***'I very much welcome this project and the positive support it will bring to sexually exploited and trafficked young people.'***

**David Ford MLA, Minister for Justice**

Our employment legal advice service focuses mainly on complex cases of unfair dismissal, redundancy and transfer of undertakings. We have a very high success rate at industrial tribunal – 88.8% in 2013–14, including cases that settled favourably without having to proceed to full hearing.

***‘I found the course very interesting. I have a lot of people asking about flexible working so found it useful.’***

**Course participant,  
Introduction to Employment Law**

The Law Centre’s online Encyclopedia of Rights is an important source of support for advisers that reaches far beyond our membership. The Encyclopedia’s employment information notes were consulted by 31,065 people in 2013–14.

### **Training advisers and employers on workers’ rights**

In addition to our programmed training, we trained employers on their legal responsibilities towards employees’ mental health at a conference by Action for Mental Health. We led a discussion on zero-hour contracts for a Legal Island seminar.

### **Casework Snapshots**

#### **Enforcing workers’ rights**

##### **Challenging unfair pressure on employee on sick leave**

We obtained £15,000 compensation for an employee who, while off sick, was threatened with disciplinary action if he did not accept a financial offer to leave his job. This case was referred by the Labour Relations Agency (LRA).

##### **Obtaining compensation for unfair dismissal and age discrimination**

We represented a man who was dismissed after 42 years of service. We issued proceedings for unfair dismissal and age discrimination. The claim settled shortly before the tribunal hearing and our client received substantial compensation.

##### **Guaranteeing worker’s rights when firm sold to new employer**

On referral from the LRA, we helped an employee at risk of losing his monthly bonus unless he agreed to changes in his contract following the transfer of his post to a new employer. We set out the legal position, which is complex but clear, while emphasising our client’s wish to avoid legal action. The company accepted our arguments and our client’s job and bonus were preserved.

## Contributing to the policy debate

This year, the Department for Employment and Learning produced proposals for a model of Neutral Assessment. We have long argued for the need for a system of early neutral evaluation in employment disputes, whereby parties receive an early authoritative steer on the merits of their case.

We continue to encourage DEL to fashion a Northern Ireland approach to employment law.

We advocated that Northern Ireland should not extend the qualifying period for unfair dismissal or introduce fees which would discourage people from accessing the tribunal. DEL has indicated that it will not increase the qualifying period or introduce fees.

## Zero-hour contracts

Responding to DEL's recent consultation, we suggested regulations to curtail inappropriate zero-hour contracts without disadvantaging employers who genuinely need casual work.

We highlighted the issues at a seminar on forced labour organised jointly with the Institute for Conflict Research and Migrant Rights Centre Ireland.

### Casework Snapshots

## Supporting vulnerable workers

### Helping live-in migrant employee out of abusive situation

Live-in domestic workers on work permits can be deported if their employment ends. Their isolation is often compounded by language barriers and employers do not have to pay them the National Minimum Wage. This can leave them trapped in exploitative and abusive conditions.

We represented a woman in this situation whose employer physically abused her and withheld her wages and passport. The crèche where she brought the children noticed a bruise on her face and she was put in touch with NIC/ICTU's Migrant Worker project who referred her on to us.

With help from the LRA conciliation service, we recovered over a year's wages and holiday pay. When we lodged a constructive dismissal claim, the employer settled with another six months' pay and gave her an agreed reference.

We liaised with Simon Community and GEMS who helped until the matter was resolved as she was homeless and living in poverty.

Our immigration advice unit helped her to get Home Office permission to work for another employer and she has secured another job.



**Client  
Story****Long overdue redundancy payment****John Feeney**

John Feeney worked in construction. He had worked for the same employer for 25 years altogether when he was told that there was not enough work to keep him on but that he would be called again when work picked up. He was 65 by then but he remained available for work and lived on his state pension, genuinely believing that he would either be taken back or made redundant. Four years later, he discovered that his employer had made a former colleague redundant and he contacted us for advice about claiming a redundancy payment.

This was an unusual case, given that he had been laid-off for so long, but we advised him to apply for redundancy – employees are entitled to request a redundancy payment after being laid off or on short-time working for a consecutive period of four weeks or a total of six weeks in a 13 week period. When the employer ignored this request we issued proceedings to the Industrial Tribunal. The employer admitted liability and settlement swiftly followed.

***‘Brilliant. Nothing was too much for them. Great service.’***

**John Feeney**

# Social justice in action

Michael Beggs



Launching Anti-Trafficking Young People Project: Patricia Lewsley-Mooney, NICCY; Les Allamby; Fidelma O'Hagan; Deirdre Coyle of Children and Family, Health and Social Care Board; and Ursula O'Hare.

Courtesy of View Digital



Media speedmatching event: Elizabeth Hendron, NICVA, Una Murphy, View Digital, and Ursula O'Hare.

Michael Beggs



Roundtable on trafficking at the Law Centre: David Ford MLA, Jenny Marra MSP and Les Allamby.

Michael Beggs



Lord Morrow at the Law Centre's roundtable on trafficking.

Courtesy of Belfast City Council



Law Centre policy and communications staff launch Refugee Transition Guide at Belfast City Hall with members of the Refugee Asylum Steering Group.





July 2014

Dr Litchfield on a WCA review fact finding meeting with local NGOs at the Law Centre.



September 2014

Joint seminar on administrative justice: Brian Thompson, School of Law, University of Liverpool; Ursula O'Hare; Andrea McIlroy, Office of the Northern Ireland Ombudsman, Marie Anderson, Deputy Ombudsman, Tom Crawley, NI Ombudsman, Michaela McAteer, Office of the NI Ombudsman.



September 2014

Adrian Berry QC delivers training on the new Immigration Act at the Law Centre.



October 2014

Ursula O'Hare with Myria Vassiliadou, EU Anti-Trafficking Co-ordinator, at a meeting with North/South NGOs at the Law Centre.



October 2014

Welfare Reform: the Reality, a conference organised jointly by the Northern Ireland Advice Services Consortium and Northern Ireland Council for Voluntary Action. Consortium partners Bob Stronge, Advice NI, Bill Osborne, Citizens Advice Northern Ireland, Ursula O'Hare, Law Centre (NI).

# Social justice in action

## Community care and mental health

### Shaping mental capacity legislation

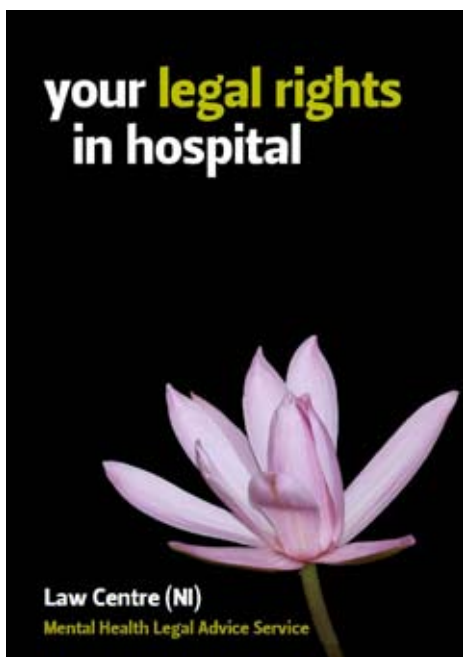
The Mental Capacity Bill for Northern Ireland published this year is a key step towards progressive and rights-based reform of mental health law.

We supported our partners in the Mental Health and Learning Disability Alliance through the consultation process, providing speakers at their events and producing a briefing to clarify the complex issues involved.

We held a consultation event in August with two experts from Britain, Professor Phil Fennel and Professor Genevra Richardson, providing space for detailed consideration of the provisions.

We spoke on human rights aspects of the Bill at a Chambré Public Affairs conference and on the impact on people with dementia at an Alzheimer's Society seminar. We briefed the Departmental Solicitors Office litigation department.

We are continuing this work as the draft Bill evolves and moves towards entering the Northern Ireland Assembly.



### Empowering patients in psychiatric treatment

We published Your Rights in Hospital, a booklet explaining the rights of people detained for psychiatric treatment. This is being distributed through psychiatric units and mental health advocates throughout Northern Ireland.

***‘[Your Rights in Hospital] is very useful and sensitively written, and will be an excellent resource for people in hospital and their family members and carers. The forthcoming Mental Capacity legislation makes it a timely publication.’***

**Nuala Dalcz, Northern Ireland Association for Mental Health**





### Capacity Bill Consultation meeting at the Law Centre

**Left to right:** Michael Bower, Policy Officer, Law Centre (NI); Caroline Cooley, Law Centre (NI) Community Care Legal Adviser; Professor Genevra Richardson, King College London; Colin Harper, Law Centre (NI) Assistant Director (Community Care and Mental Health Policy); Professor Phil Fennell, Cardiff University; Professor Roy McClelland, former chair of Bamford Review and currently a member of the Mental Capacity Legislation Northern Ireland Project Board.

## Supporting vulnerable people

### Reaching out with advice clinics in psychiatric units

We have been holding monthly advice clinics in the Mater, Grangewood, and Tyrone and Fermanagh hospitals, a vital link for patients to their rights. Patients are advised on their legal rights in hospital, including on issues relating to grounds for detention and care.

We take on many of these patients as clients, representing them at Mental Health Review Tribunals and staying actively involved throughout the case. Many of these cases are successful without having to go to full hearing and patients are regraded as voluntary patients, giving them greater control over their treatment.

### Advocating on care home closures

In the Health and Social Care Board consultation on the future of statutory care homes, we argued that the suggested criteria for closure were under-developed, that residents should be fully involved in decision-making and that appropriate accommodation must be found for all residents of a care home marked for closure. The Minister for Health announced that care homes will remain open for current residents who wish to stay and the Board has recommended amended criteria on quality of care and alternative accommodation.

## Changing lives through legal support

### Avoiding delays in arranging nursing care

We represented a woman who felt the Trust was too slow in finding a permanent nursing home for her father. The Trust apologised and agreed to organise staff training and review its decision-making process to avoid similar delays in future.

### Working for the successful resettlement of long term residents

The landmark victory in a test case we took last year strengthened the push towards the supported resettlement of long term Muckamore Abbey Hospital residents into the community. Some of our clients have since resettled successfully and the process is progressing well for others.

### Clarifying the limit of Guardian's power

We clarified at the Court of Appeal that people subject to Guardianship Orders under the Mental Health Order (1986) could not be legally prevented from leaving their place of residence for social purposes. This will have a significant impact, ensuring that Guardianship care-plans do not amount to a deprivation of liberty.

### Supporting advisers and service providers

Through practitioner meetings, training sessions and briefings, we have kept advisers and healthcare staff informed of the current legal position on human rights and social care, meeting carers' needs, eligibility for domiciliary care, guardianship, charging for long term care, the Mental Capacity Bill, second opinion doctors, and how to represent clients at mental health tribunals.

***'All of the information provided was extremely relevant to my role as service manager of a supported living service for adults with disabilities.'***

**Course participant, Capacity, Consent and the Human Rights Act**

We delivered bespoke training on capacity and consent for ARC NI, the umbrella body for service providers in the learning disability sector; on migrants and social care for Housing Rights Service; and on carers' rights for Positive Futures.



Colin Harper, Law Centre (NI) Assistant Director (Community Care and Mental Health Policy), speaks on the human rights impact of the proposed Mental Capacity Bill.

Courtesy of Chambre Public Affairs



***‘Very efficient service with regular updates on how the case was progressing, very knowledgeable and professional caseworker’***

**Seán McKinney**

Frankie Quinn

## **Client Story**

### **Housing adaptations**

#### **Seán McKinney and Seán McKinney Junior**

Seán McKinney junior has Duchenne Muscular Dystrophy. When he moved to a new home with only a shower facility, his father tried to organise for a bath to be installed to help him manage the needs arising from his condition. Seán had been advised that NIHE could do this if the Trust’s Occupational Therapy Department recommended it. The Trust refused as it considered the risks of bathing Seán junior too great.

Following our representations invoking his European Convention Article 8 right to family life, the Trust conducted a fresh risk assessment. The review concluded that the bath was necessary and appropriate and NIHE was able to carry out the adaptation.

This case has given Trust staff a better understanding of duties in relation to risk management and of the need to ensure that service users’ human rights under the European Convention are considered.





## FEBE advocates

We are very pleased to work alongside one of our member organisations called FEBE (the Federation of Experts by Experience).

FEBE provides self-help advice, advocacy, information and mutual support services, and refers people to the Law Centre if there is a legal problem to resolve.

As a member of the Mental Health and Learning Disability Alliance convened by the Law Centre, FEBE contributed expertise to the development of the new Mental Capacity Bill.

FEBE held a conference prior to submitting its response to the Department of Health consultation on the Bill. At the conference, a solicitor from our Mental Health Legal Advice Service unit went through the main provisions of the Bill which will have a particular effect on FEBE's constituency.

The picture above shows Maeve Mills and Catherine McGroggan, who are part of FEBE's management team.

***'Our sincere thanks for speaking at our AGM yesterday. We've had very good feedback from the day and your contribution was definitely the highlight.'***

**Philomena McCrory, Director, Centre for Independent Living NI**

## Changes to law, policy and practice

- As a result of our casework, the Jobs and Benefits Office agreed to emphasise to all frontline staff the importance of correctly applying the fast-track procedure for Child Tax Credit claims.
- Through SSAC, we persuaded the Department for Work and Pensions to withdraw a regulation to increase direct deductions from Universal Credit for rent arrears from five per cent of standard allowance to 40 per cent.
- Through our casework, we convinced the Department for Social Development's Debt Management Service to include leaving Northern Ireland to attend a funeral in its exceptions to the three months residence requirement for seeking Jobseeker's Allowance.
- We persuaded the Department for Social Development to include income related ESA in an extra-statutory scheme for people moving between Northern Ireland and Britain. This scheme had been set up for contributions-based ESA as a result of another Law Centre case last year.
- Through our casework, we persuaded a Health and Social Care Trust to organise staff training and review decision making processes to avoid unnecessary delays in allocating permanent nursing care accommodation.
- Along with others, we convinced the Health Minister to stall the closure of statutory care homes until new criteria are in place that will be fairer to residents.
- We convinced the Department of Health, Social Services and Public Safety to amend guidance on decisions with respect to second opinion doctors for compulsory psychiatric treatment.
- We clarified at the court of appeal that people subject to Guardianship orders could not be legally prevented from leaving their place of residence for social purposes.
- We have helped to shape the Department for Employment and Learning's thinking on the concept of neutral assessment in resolving employment disputes.
- We convinced OFMDFM to expand a crisis fund for destitute refugees and asylum seekers, which is in the process of being organised.
- We convinced the Department of Health and Assembly Health Committee to expand the provision of healthcare for certain categories of vulnerable migrants.

# The Law Centre team

## Central office

**Acting Director:** Ursula O'Hare  
**Assistant Director (Casework & Training):** Jennifer Greenfield  
**Assistant Director (Community Care and Mental Health Policy):** Colin Harper  
**Head of Legal Support Project:** Sinéad Mulhern  
**Legal Advisers:** **Social Security** – Patricia Carty, Lee Hatton, Jacqui Loughrey. **Immigration** – Buster Cox (Casework Manager), Zoe Donnelly, Kirsty Linkin, Karen Mercer, Fidelma O'Hagan (Casework Manager). **Employment** – Daire Murphy. **Community Care** – Patricia Southern.  
**Mental Health** – Louise Arthurs, Catherine Harper  
**Apprentice solicitors:** Carolyn Rhodes, Laura Steele  
**Support worker:** Margaret Reid  
**Training Officer:** David Mitchell  
**Communications Officer:** Catherine Couvert  
**Communications Assistant:** Michael Beggs  
**LSP Project Officer:** Owen McCloskey  
**LSP Secretary/Legal Secretary:** Deborah Hill  
**Policy Officers:** Michael Bower, Elizabeth Griffith  
**Policy Secretary / Legal Secretary :** Trisha Tabet  
**Librarian:** Michael Beggs  
**Finance Officer:** Jonathan McKnight  
**Administration Manager:** Ann Cartwright  
**Legal Secretaries:** Breige Hughes, Rhoda Lyle, Margaret Reid, Deborah Spence  
**Volunteers:** Rachel Hanna, Aidan McGowan, Marisa McVeigh, Yvonne Smyth, Priyam Yarnell  
**Domestic Assistant:** Ann Jehan  
**Career break:** Eimear McCann

## Western area office

**Manager & Employment Legal Adviser:** Caroline Maguire  
**Legal Advisers:** **Social Security** – Carla Rogers. **Mental Health** – Seán McParland. **Community Care** – Caroline Cooley  
**Legal Secretaries:** Maeliosa Boyle, Aine Friel  
**Domestic Assistant:** Brendan Young

## Left: Belfast and Derry offices

**Staff:** Les Allamby, David Ashfield, Mary Blair, Eamon Doherty, Donna Earley, Fiona Haddick, Elaine McCorriston, Laura Niwa, Laura Power, Michele Smyth. **Volunteers:** Suzie Hamilton, Sarah Hunter, Eli Meltz, Tania Pardellas.  
**Apprentice:** David Mitchell completed his apprenticeship with Law Centre (NI)

## Management committee

**Chairperson:** Gráinne McKeever (School of Law , University of Ulster)  
**Vice Chairperson:** Norman Stewart (WAVE)  
**Secretary:** Kevin Higgins (Advice NI)  
**Treasurer:** Barrie McLatchie (Belfast Unemployed Resource Centre)  
**Other members:** Ciaran McAteer (Belfast Solicitors Association), Janet Hunter (Housing Rights Service), Cathal MacElhatton (Glenbrook Day Centre, Foyle HSST), Michael Roddy (Omagh Independent Advice Services), Mick McAtavey, Patrice Hardy (Equality Commission for Northern Ireland), Mary McManus (East Belfast Independent Advice Centre), Sharon Dillon, (Dungannon CAB), Laura Irwin (RNIB), Pat Colton (Belfast Central CAB)

Michael Beggs

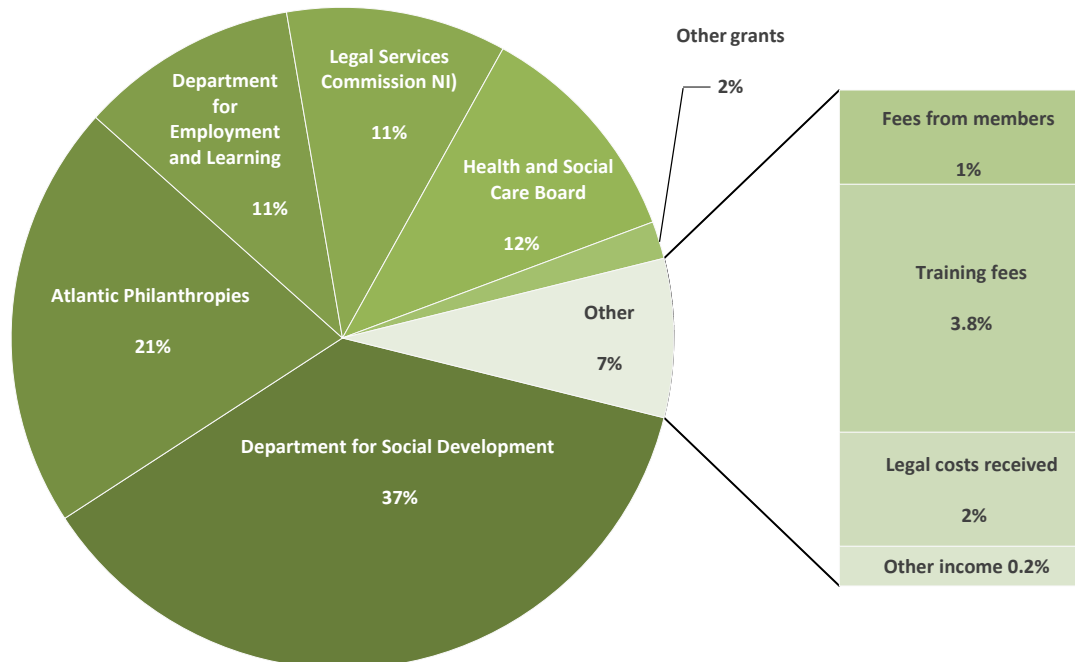


John O'Neill, Thompson McClure Solicitors, Bob Stronge, Advice NI, and Les Allamby at the farewell event marking Les leaving his post as Law Centre Director to join the Northern Ireland Human Rights Commission as Chief Commissioner.



# Financial statements

## Incoming resources by grant income / generated income



## Incoming resources

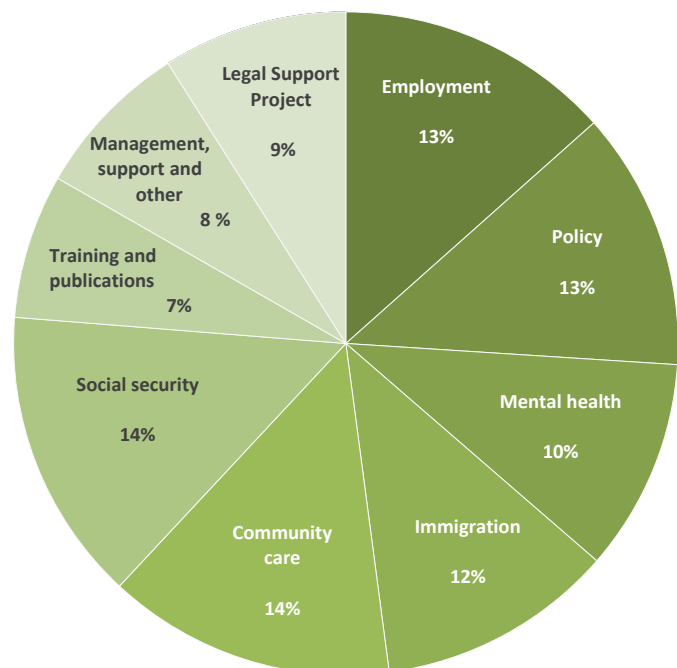
Voluntary income	1,427,449
Activities for generating funds	111,661
Investment income	609
Other income	6,522
<b>Total</b>	<b>1,546,241</b>

## Resources expended

Charitable objectives	1,489,999
Governance costs	8,688
Fundraising costs	43,958
Generating voluntary income	2,587
<b>Total</b>	<b>1,545,232</b>

**Net incoming resources (resources expended)** **1,009**

## Resources expended by project/activity



The summarised financial information above shows the income raised for our activities and the amounts spent on our charitable activities. The information is taken from the Full Financial Statements, which were approved by the Trustees on 10 June 2014. For a copy of the full audited accounts contact the Law Centre's Finance Officer or visit: [www.lawcentreni.org/Publications/Business/Law-Centre-\(NI\)-Accounts-2014.pdf](http://www.lawcentreni.org/Publications/Business/Law-Centre-(NI)-Accounts-2014.pdf)

# Thank you

## Our full members

Action on Hearing Loss  
Advice NI  
Age NI  
Age Concern Causeway  
Antrim CAB  
Ards CAB  
Armagh CAB  
Ballymena CAB  
Ballynafeigh Community Development Association  
Banbridge CAB  
Belfast Unemployed Resource Centre  
Carers NI  
Carrickfergus CAB  
Cause  
Causeway CAB  
Causeway Women's Aid  
Central Belfast CAB  
Children's Law Centre  
Craigavon District CAB Portadown  
Disability Action Belfast  
Dove House Advice Services  
Down District CAB  
Dungannon CAB  
East Belfast CAB  
East Belfast Independent Advice Centre  
Falls CAB  
Falls Community Council  
Falls Women's Centre  
Fermanagh CAB  
First Housing Aid and Support Services  
Gingerbread (NI)  
Glenshane Community Development  
Housing Rights Service  
Larne CAB  
Lisburn CAB  
Londonderry CAB  
Lurgan Independent Advice and Information Service  
MENCAP (NI)  
Mid Ulster Women's Aid  
Newry and Mourne District CAB  
Newtownabbey CAB  
NIACRO  
Northern Ireland Council for Ethnic Minorities (NICEM)

North Belfast CAB  
North Down CAB  
North West Advice Services  
NUS/USI (NI)  
Omagh Independent Advice Services  
QUB Students Union  
Resource Centre, Carnhill Estate, Derry  
Rosemount Resource Centre  
Shankill CAB  
Shelter (NI) Ltd  
Springfield Charitable Association  
STEP  
St Vincent de Paul Regional Office  
Strabane CAB  
Suffolk/Andersonstown CAB  
The PILS Project  
Victim Support NI  
Vine Advice Centre  
Waterside CAB  
Wave Trauma Centre, Belfast  
Welcome Project  
Windsor Women's Centre  
Women's Aid Federation NI

## Our funders

**Law Centre (NI) wishes to express its thanks for financial support in 2013–2014 provided by:**

Department for Social Development  
Department for Employment and Learning  
Department of Enterprise, Trade & Investment  
Department of Justice, Legal Services Commission  
Health and Social Care Board  
Atlantic Philanthropies  
Belfast City Council  
Comic Relief  
Cedar Foundation

# Thank you

## Our associate members

Action MS  
Alliance Party  
Alzheimer's Society  
Apex Housing Association  
Ards Borough Council  
Armagh Information and Library Service  
Ashton Community Trust  
Bakers Food & Allied Workers Union  
Ballysillan Advice Service  
Bar Library  
Barnardo's Leaving Care Project  
Belfast Airport Police Association  
Belfast Carers' Centre  
Belfast Metropolitan College  
Belfast & Lisburn Women's Aid  
Bryson Energy  
CALM Victims and Survivors Service  
Camphill Communities Trust  
Carers Forum on Learning Disability  
Carnglen Credit Union Ltd  
Centre for Cross Border Studies  
Centre for Independent Living  
Challenge Respond  
Cithrah Foundation  
Citizens Information Board  
Clanmor Sure Start  
Coiste na Niarchimi  
College of Occupational Therapists  
Commissioner for Older People NI  
Committee on the Administration of Justice  
Communication Workers Union  
Connswater Homes  
Consumer Advice Centre  
Contact  
Contact a Family  
Cookstown & District Council  
Council for the Homeless  
Craigavon Area Hospital Social Work Dept  
CWU Engineering Branch  
Dalriada Sure Start  
Damask Community Outreach  
Departmental Solicitors' Library  
Derg Valley Care  
Derry Credit Union Ltd  
Derry Youth & Community Workshop  
DFPF Ltd (People First)  
Disability Equality Group NI  
DUP, Adrian McQuillan Constituency Office  
DUP, Sammy Douglas Constituency Office  
East Belfast Alliance Party  
East Belfast Mission  
Edward Street Hostel Ltd  
Employers for Childcare  
EPIC  
Epilepsy Action

First Steps Women's Centre  
FLAC  
Fold Housing Association  
Footprints Women's Centre  
Gems NI Ltd  
GLSNI  
Grace Women's Development Ltd  
Habinteg Housing Association  
HAPANI  
Home-Start, Down District  
HOPE  
Housing Executive Library Information Service  
Institute for Professional Legal Studies  
Kantar Media  
Kelly Advice Services  
Labour Relations Agency  
Larne Social Services, Moyle Hospital  
Law Society of Northern Ireland  
Lenadoon Community Forum  
Libraries NI  
Limavady Community Development Initiative  
Lord Enniskillen Memorial Orphan Society  
Magherafelt District Advice Service  
Markets Development Association  
Mind Yourself Mental Health Charity, Derry  
Mindwise  
MS Society, NI  
MS Society (Foyle Branch)  
Mullholland Aftercare Services  
Multi-Cultural Resource Centre (NI)  
National Autistic Society  
National Library of Ireland, Dublin  
NEA (NI)  
Neighbourhood Development Association  
Network Personnel  
Newry and Mourne carers' Association  
NI Assembly Library  
NI Association for Mental health  
NI Council for Voluntary Action  
NI Courts and Tribunal Service  
NI Federation of Housing Associations  
NI Human Rights Commission  
NI Legal Services Commission  
NI Pakistani Cultural Association  
NICRAS  
NI Phoenix Project  
NIPSA  
North City Business Centre  
North City Training Ltd  
North Down Ulster Unionist Constituency Office  
North Down YMCA  
Northern Ireland Hospice  
Northside Community Law Centre

NWTP Ltd  
Oaklee Trinity Ltd  
Office of the Ombudsman  
OFMDFM  
Omagh Ethnic Communities Support Group  
Omagh Support & Self Help Group  
Participation & Practice of Rights Project  
Positive Futures  
Positive Life  
Prospects for People with Learning Disability, Newtownards  
QUB Law Library  
QUB Medical Library  
Relatives for Justice  
Salvation Army Social Division  
Save the Children  
SDLP, Mark Durkan Constituency Office  
SDLP, Sean Rogers Constituency Office  
Sense NI  
SIPTU  
South City Resource & Development Centre  
South East Fermanagh Foundation  
Southern Health & Social Services Council  
Southwest Carers Forum  
South Ulster Housing Association Ltd  
Standards Assurance Unit  
St Vincent de Paul Society, Kilrea  
St Vincent de Paul Society, Derry  
Star Neighbourhood Centre  
Students Union, UJJ  
Supporting Communities NI  
SWETS  
Taghnevan Youth & Community Development  
Tar Isteach  
Tar Abhaile  
Tar Anall  
Triangle Housing Association  
Ulidia Housing Association  
Ulster Unionist Advice Centre, East Belfast  
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UNITE the Union  
University of Ulster, Coleraine  
University of Ulster, School of Law  
USEL  
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Voice of Young People in Care  
Wave Trauma Centre, Armagh  
Western Health & Social Care Trust  
Woodbroke Medical Practice  
Women's Centre, Derry  
Youth Council (NI)



# Thank you

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## WELFARE REFORM – THE MYTHS & THE FACTS

**MYTH** Policing, Health, Education and other public services are in crisis because of welfare reform.

**FACT** This crisis is the result of £3.6 billion in Tory cuts in NI since 2010.

**MYTH** Welfare rewards the workshy.

**FACT** The majority of Welfare is spent on pensions and supporting low-paid workers

**MYTH** The Welfare System is rife with fraud.

**FACT** Fraud takes 0.7% of the welfare budget. On the other hand, tax dodging costs us all 20.6% of what could be collected - a staggering £119 Billion.

**MYTH** There is no alternative - There is no money left.

**FACT** Yes there is. Just ask Google, Starbucks, Amazon...

*Did you know that UK taxpayers hand out £85 Billion each year to big businesses?*  
(for more info see [www.ictuni.org](http://www.ictuni.org))

The Welfare State and the NHS were created as the Foundation Stones of a New Jerusalem,  
a Land Fit for Heroes, in the aftermath of two world wars. Defend that Legacy.

# A Pay Rise for All



STRONGER TOGETHER  
**CONGRESS**  
Irish Congress of Trade Unions  
Northern Ireland Committee





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Northern Ireland

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**Write to:** [The Ombudsman](#)  
[Freepost RTKS-BAJU-ALEZ, Belfast BT1 6BR](#)

**Email:** [ombudsman@ni-ombudsman.org.uk](mailto:ombudsman@ni-ombudsman.org.uk)

**Website:** [www.ni-ombudsman.org.uk](http://www.ni-ombudsman.org.uk)

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**028 9023 9629**

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## Website

Web: [www.lawcentreni.org](http://www.lawcentreni.org)

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Front cover: Law Centre client Séan McKinney and Séan Junior.  
Photo by Frankie Quinn.

Back cover: Clients Mr and Mrs Rivera, Séan McKinney Junior. Photos by Frankie Quinn. Community Care Legal Adviser Patricia Southern delivering training on human rights in health and social care; Acting Director Ursula O'Hare with Bob Stronge, Advice NI, and Steve Cullen, Warrington CAB at Welfare Reform Conference. Photos by Catherine Couvert.