



# Impact Report 2020-2021

Using the law to transform people's lives

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# OUR VISION, MISSION AND VALUES

**At the Law Centre, we passionately believe in access to justice for everyone and that legal solutions can overcome social problems.**

The work that we do is shaped around our vision, our mission and our values. We stand for a just and equal society for everyone and we understand how powerful the law and advocacy can be in transforming people's lives.

We work to achieve change by influencing law, policy and practice in Northern Ireland and, as a regional infrastructure organisation, by supporting organisations in the advice sector so that they can assist their local communities.

## **Our Vision**

We live in a just and equal society.

## **Our Mission**

We use the law to change lives.

## Our Values

### Independence

We advocate consistently on behalf of clients, without fear or favour, in seeking justice and promoting and protecting their rights, independent of any vested interests.

### Rights-based

We promote and protect people's fundamental rights.

### Excellence

We deliver services to a consistently high standard.

### Innovation

We continuously innovate and respond to meet current needs and to plan for a future of changing law and policy.

### Cooperation

We work together and with others to achieve shared goals.

### People First

We value the inherent dignity of all people. We support the development of staff, volunteers, trustees and members and provide an environment which encourages and facilitates continuous learning, professional development and mutual support.

## What we do

In 2022, Law Centre NI will celebrate 45 years of working for social justice in Northern Ireland. During that time, we have helped thousands of people to challenge decisions that affect their rights through free, independent and specialist legal advice, casework and representation. Alongside our direct support to the public, we are the specialist legal infrastructure organisation in Northern Ireland that assists the advice sector to support local communities.

Our services focus on social security law, employment law and immigration, trafficking and asylum law. We link our legal work with policy advocacy because we know that this is how we can influence change to law, policy and practice that makes a long-lasting difference.

We recognise just how important it is that, whatever situation our clients find themselves in, their rights and entitlements are clearly defined and accessible to them.

People are at the heart of everything that we do at the Law Centre and we want this report to tell their personal stories.





## Reflections from our Chairperson and Director

No one could have imagined a year like this. Overnight, the world changed in the face of the Covid-19 pandemic. This year demonstrates just how much the Law Centre matters. It is a vital resource for making people's rights real even in the midst of upheaval. Every day we see how people's lives can be transformed because we have resolved a problem or taken a case through to representation in tribunal or court in order to unlock justice for our client. Our strategic legal and policy work makes a long-term, systemic change in communities.

This year, we faced an unprecedented demand for our legal services. With the generous support of our funders, we were able to increase our capacity to support more people. Thanks to a generous grant from the Law Centres Network and with the support of The Legal Education Foundation, we had the tools and infrastructure to pivot overnight to remote working without any interruption to our vital services. The challenges of this transition to new ways of working should not be understated; and our work this year is a testament to the determination and resilience of the whole team and Board at Law Centre NI.

We transferred all our training online, including our Annual Social Security Law and Practice Conference. The team stepped in quickly to deliver webinars to the sector on social security, employment law and immigration as the impact of the pandemic on people became clearer. Through new legal information resources for the advice sector, we ensured that advisers were equipped to deal with the rapidly changing legal landscape.

Our new Migration Justice Project focused on destitution and the resolution of migrants' status so they could start building their lives in a new community. Our policy advocacy work with the Refugee and Asylum Forum has been catalytic in mobilising others to campaign against unfair changes in the immigration system. In the post-Brexit immigration law context, the legal and policy influencing work of our immigration team will continue to be particularly important.

We are always looking ahead to the next generation of social justice lawyers. We were thrilled, therefore, to welcome our second Justice First Fellowship to the Law Centre. This scheme is a vital way of ensuring that there will be a pipeline of new social justice lawyers for the future. Sadly, this year, due to Covid-19 restrictions, we were unable to host aspiring social justice law students through our Clinical Law partnership with Queen's University Belfast. We missed their presence and contribution and we are hoping to welcome them back soon.

The work we do is only possible because of the generous support we receive from our funders. We thank them all for their acknowledgement that specialist legal services change lives and their confidence in supporting us to do just that. Finally, our thanks to all the staff, the Board and everyone who has supported us over these twelve months.

**Maureen McGuigan**  
Chairperson

**Ursula O'Hare**  
Director

# Legal Solutions that Change Lives



We don't just want this report to be a list of our achievements in the last year. We want to show the journey that our clients take when they contact the Law Centre and how we support them at every step of the way. This starts with legal advice and casework and goes through to representation in tribunals and courts, including strategic litigation in the higher courts.

## Early legal advice is transformative for people

We can resolve many cases without having to go to tribunal or court. Equally, there are times when we need to litigate to resolve systemic problems.

Here are three stories from clients who contacted our Social Security, Employment and Immigration and Asylum advice lines this year. Their stories show how legal advice has helped them resolve problems in their lives. The names have been changed.



In 2020-2021 we gave **30,615** pieces of legal advice to people in Northern Ireland about social security, employment, immigration and asylum issues – an increase of **128%** from the previous year.

## Maura's Story

Maura is a cross-border worker living in Donegal and working in Northern Ireland. Maura made an application for Tax Credits and Child Benefit to HMRC after ending her claim for equivalent benefits in the Republic of Ireland. Her claim was repeatedly unsuccessful. She was told that, as a result of Brexit and welfare reform changes, it was not possible for her to make a new claim for Tax Credits. She had made several complaints to HMRC to resolve the issue to no avail.

The Law Centre advised that HMRC had been wrong to reject Maura's claim. Cross-border workers, such as Maura, continue to be eligible to make a new claim for Tax Credits. We corresponded with HMRC and set out the legal position. As a result, Maura's tax claim was finally processed and she received a backdated award. Having struggled financially, Maura is now better off by approximately £11,000.

As with many of our cases, it does not end there for the Law Centre. We want our legal work to have a wider impact on the collective needs of communities, so our policy team is continuing to look at this issue and to ensure that other cross-border workers are not impacted in the same way as Maura.



## Paul's Story

Paul was dismissed from his job as a lorry driver in 2020. Married with two children, he had been made redundant due to the Covid-19 pandemic, despite others in his workplace remaining in their jobs. Paul made several enquiries to his employer about the possibility of being furloughed, but they told him this was not possible. He had no contract and was paid two weeks' notice and three weeks' redundancy pay. The Law Centre advised Paul on his rights with regards to unfair dismissal. Following our input, Paul's case was settled for £5,000 with an admission that he was unfairly dismissed. This financial settlement was particularly important for the family at a deeply unsettling time caused by the pandemic.

## Lara's Story

Lara contacted the Law Centre through a local Women's Aid refuge. She had limited leave to remain as a spouse in Northern Ireland. Lara had been subjected to domestic abuse by her husband. She was in an extremely vulnerable position as she felt trapped by her immigration status and was also anxious about the impact of the abuse on her young child. We advised Lara about a potential immigration application under the Domestic Violence Concession, which meant that she could apply for Indefinite Leave to Remain if she could show that her relationship had permanently broken down due to domestic abuse. We also advised that the Domestic Violence Concession would provide housing and support for three months to facilitate her leaving the relationship and buy her time to make her application for Indefinite Leave to Remain. This advice enabled Lara to make very important decisions. She left her abusive husband and we helped her apply for immigration status through the Domestic Violence Concession route. She has now secured Indefinite Leave to Remain in her own right. Lara and her child have made a new start.



In 2020-2021,  
we achieved over  
**£890,000** in financial  
settlements for our  
clients.

# Law for Social Change



## We use the law to change people's lives across Northern Ireland

### Upholding Rights to Social Security

Navigating the social security system can be overwhelming at times, Our social security legal team focuses on complex legal issues and our advisers and representatives provide the legal support necessary for people to challenge unfair decisions. Many of our clients are struggling with a long-term health condition or disability.

This year, our advisers dealt with calls to our advice line from people seeking social security advice, many of whom were facing acute pressures and difficulties after their income was adversely impacted by the Covid-19 pandemic. Never has the need for a strong and fair social security safety net been clearer. This was the theme of our Annual Social Security Law and Practice Conference in October, charting the changes to the social security safety net over the last ten years of 'welfare reform'. It has also been the focus of our work with the Cliff Edge Coalition that has campaigned to extend and strengthen the welfare reform mitigations in Northern Ireland.

This year our social security strategic litigation focused on those who faced unfairness because of disability or status.



In 2020-2021, we helped **583** clients with legal challenges.



In 2020-2021, the Law Centre pursued three strategic cases which challenged unfairness in the social security system and raised public interest law issues. These have led to important decisions on social security law which have wider significance – not just in Northern Ireland.

The families involved in these cases showed great courage in challenging the law while struggling in the most difficult circumstances. As a result of their bravery to speak up, they sought to make sure that no one else would have to go through anything similar again. We are privileged to have worked with them and to have the opportunity to tell their stories.

# Challenging Rules on Bereavement Support Payment

## O'Donnell v The Department for Communities

In 2020 we helped our client Michael O'Donnell to challenge the rules on Bereavement Support Payment. Michael's wife Pauline had tragically passed away from a progressive degenerative condition in July 2017 leaving behind Michael and a young family.

After Pauline's death, Michael applied to the Department for Communities for Bereavement Support Payment (BSP), which is financial help for a surviving spouse or civil partner to help them deal with the more immediate costs arising from the death of their partner. Michael's application for BSP was rejected by the Department for Communities because Pauline had not paid national insurance contributions during her working life.

We assisted Michael to appeal the Department's decision. We argued that it was discriminatory to expect Michael's wife, Pauline, to have paid national insurance contributions when she had never been able to take up employment because of her disability. We argued that sections of the Pensions (NI) Act on which the Department had based its decision were unfair and discriminatory and breached the family's human rights.

In August 2020, the Court of Appeal agreed that the effect of sections of the Pensions (NI) Act was discriminatory and treated the family of a deceased person, who was never able to work, in the same way as the family of a deceased person who chose not to work. This treatment, the Court decided, could not be justified. Subsequently, the Department revised its decision and awarded BSP to Michael.



### Michael O'Donnell, said:

"I feel a great sense of relief and vindication with this decision. Benefits are supposed to help people in times of greatest need. Instead, our family didn't receive the support we needed because Pauline had never been able to work due to her disability.

The award of bereavement support would have gone a long way to helping our family cope with the financial position we were in shortly after her passing. Instead, we were crippled with debt, struggling to cope with the drop in our household income and at times not able to afford food and heating. We had to deal with all this at a very difficult time for me and the kids, along with the additional stress of appealing the decision."

The decision by the Court of Appeal confirmed that the requirement for those who can never work to have paid contributions as a condition of entitlement to this benefit was unlawful. The decision drew upon international standards that prevent unlawful discrimination and protect the rights of disabled people and their families.

The O'Donnell family eventually got the support they desperately needed and now so will others who find themselves in similar circumstances.



“

“There is no way on heaven and earth that I would have been able to [fight my case] in the state I was, I would have just fallen through”.

**Michael O'Donnell**

”

Our colleague Owen McCloskey worked closely with Michael during this traumatic time in his life. This is what Michael had to say about Owen:

“Owen went above and beyond in helping me in my case. Owen, to put it simply, was with me every step of the journey, showing an empathy and determination, which eventually came to my case being more than satisfactorily resolved.”

“I felt that he put so much personal effort into putting my case together, at a time when I was dealing with the grief of losing my wife, thus taking most of the strain and mental anguish off my shoulders and for that I am eternally grateful. I can only imagine the behind the scenes toil and effort himself and his team put in. With his help I feel I now have a future and a renewed faith in humanity”.

**Thanks Owen from all the O'Donnell family.**

# Challenging Special Rules for Terminal Illness

## Cox v The Department for Communities and The Department for Work and Pensions

From our work with colleagues in health charities and with local advice organisations, we knew that the rules on access to social security for people with a terminal illness needed to be changed. Lorraine's case was referred to us from a community advice organisation.

During a really difficult time in her life, our client Lorraine Cox had the courage and determination to speak up about her experience of the benefits system and she did so to make sure that no one else has to endure what she did when she was diagnosed with a terminal illness.

### Here is Lorraine's Story

Lorraine, a young mother of three children, was diagnosed with Motor Neurone Disease in September 2018. She was unable to work because of her diagnosis and applied for Personal Independence Payment (PIP) and Universal Credit (UC).

Lorraine's claim did not come under the Special Rules for Terminal Illness. Although she had a confirmed diagnosis of Motor Neurone Disease - a progressive, terminal disease - Lorraine's neurologist was unable to say that her death was expected within six months. She, therefore, did not satisfy the definition of 'terminally ill' under the Welfare Reform Order or Universal Credit Regulations. This meant that her benefit applications would not be prioritised for quicker processing, but would instead be dealt with through the usual (slower) process.

In July 2020, we represented Lorraine in a judicial review of the Department's decision and the High Court found in her favour.

Mr. Justice McAlinden decided that the difference in treatment between Lorraine, a person suffering from a progressive illness whose death was not reasonably expected within six months and a person, also suffering from a progressive illness, whose death was expected within six months, but who survives for longer, could not be justified. In October 2020, the High Court awarded Lorraine £5,000 in damages for "upset, distress, annoyance, inconvenience, worry and humiliation".

The Department for Communities and the Department for Work and Pensions subsequently appealed the High Court's decision and the Court of Appeal decided that the difference in treatment between Lorraine and a person suffering from a progressive illness whose death was reasonably expected within six months, was justified.

Although the Court of Appeal ruled against Lorraine, her legal challenge highlighted the urgent need for reform within the social security system. Her case shone a spotlight on how terminally ill claimants struggle to access essential financial support and demonstrated the need for legislative change.

At the Law Centre, we pursue change through strategic litigation and through policy advocacy. So, while legal proceedings were ongoing, our policy colleagues worked with key health charities in the sector - Marie Curie NI, the Motor Neurone Disease Association and others - to campaign on this issue. We convened a roundtable bringing key policymakers from other jurisdictions in the UK together with local health charities, medical professionals, elected representatives and officials to share learning of the experience of change elsewhere.



“

“I wouldn’t wish it on anyone. I believe the system has failed me and the approach to dealing with people who have a terminal illness needs to be urgently addressed. I have accepted my path in life now, but please don’t put anyone else through it.”

Lorraine Cox

We were delighted when the Minister announced in November 2021 that legislation would be introduced to change the rules. Once implemented, this legislation will extend the terminal illness provision from six months to twelve months. We know that a terminal illness diagnosis can have a devastating effect on people’s lives and we are pleased that future claimants in a similar position to Lorraine will fare better.

Although legislation has been drafted, the Law Centre’s work is not finished. We will continue to work with health charities and the advice sector to monitor its implementation and to advocate for further change to the rules where necessary.

“Helping a legal case to evolve, knowing that it has the power to change people’s lives, is such an exciting part of the PILS Project’s work. The challenge taken by Lorraine Cox and Law Centre NI in 2020 was one of the year’s most significant developments”.

**Our friends at the PILS Project, who supported us in taking Lorraine’s case forward.**



# Access to Benefits for EU citizens with Pre-settled Status

## CG v. The Department for Communities and The Department for Work and Pensions

CG is a Law Centre client. The courts have specified that her full name should not be published. We will call her Celeste (not her real name).

Celeste is an EEA national who moved to Northern Ireland several years ago with her - now estranged - partner. Both her children were born in Northern Ireland and, in June 2020, she was granted pre-settled status under the UK Government's EU Settlement Scheme.

“

I want to work so badly, but I can't because I have no childcare. If my appeal succeeds, it would be life-changing for me and my kids. The way we live at the moment is not normal. We are in survival mode. We cannot afford healthy food, which affects you emotionally, as well as physically. I cannot even give my child an apple, which hurts me very much”.

CG

As a mother of two pre-school age children and estranged from her partner, Celeste found herself in a bind. She desperately wanted to work, however, she was not entitled to Universal Credit, which would give her access to the childcare that would enable her to work. Her inability to secure vital state support at a critical time meant she was trapped in destitution.



In Celeste's case, we challenged the lawfulness of the Universal Credit Regulations which precluded EEA citizens with pre-settled status, who like Celeste are deemed economically inactive, from being able to access benefits.

Celeste's claim for Universal Credit was rejected by the Department for Communities in June 2020. We assisted Celeste to apply to the Appeal Tribunal. The Appeal Tribunal sought clarification from the Court of Justice of the European Union (CJEU) on the lawfulness under EU law of domestic social security legislation excluding those with pre-settled status under the EU Settlement Scheme from entitlement to UC.

The Advocate-General of the EU analysed the legal aspects of the case and gave a preliminary opinion on the matter, which was favourable to our client. In an unusual step, however, the Grand Chamber did not follow the opinion of the Advocate-General finding that EU law did not preclude this treatment.



As the Court provides an interpretation of EU law, but does not rule on the case before it, Celeste's case must now return to the Appeal Tribunal for determination. The question for the tribunal will be whether the Department's refusal of Universal Credit exposed Celeste to a risk of violation of her fundamental rights enshrined in the EU Charter of Fundamental Rights and whether it leaves her, and her children, in a situation where they are unable to live in dignified conditions.

The case has shone a spotlight on the plight of EEA citizens with pre-settled status in the UK post-Brexit who, for one reason or another, are unable to work.

**"I am so happy and grateful for all of you helping and standing beside me".**

**CG speaking about the assistance given to her by the Law Centre.**

Accordingly, our legal and policy teams are focusing on assisting EEA migrants to avoid destitution by addressing the inequities faced by this group post-Brexit. We are acutely aware that there are many other people across the UK in similar circumstances to Celeste. At the end of 2021, there were just over 30,000 EEA citizens with pre-settled status in Northern Ireland.



# Some other client stories

## Disability Benefits

Anne was granted Personal Independence Payment (PIP) at the enhanced rate for both the daily living and mobility components. After a reassessment, and despite a terminal diagnosis, Anne received zero points for PIP. It was at this point that the Law Centre became involved and assisted her to appeal the decision.

Midway through the appeal, Anne informed us that her condition had deteriorated and so we advised her to submit a new claim. The new claim was successful and Anne's previous awards for enhanced rates of both the daily living and mobility allowance for PIP were restored. We were able to secure a prompt decision for Anne giving her and her family the chance to spend valuable time with one another.

## Benefit Cap

Aminah was struggling when her income fell by more than £1,500 per month as a result of the Benefit Cap. As a refugee and a mother of eight children, the loss of this income had a huge impact on her family.

Aminah was subject to the Benefit Cap as she had lost her entitlement to PIP and Employment and Support Allowance (ESA). We supported her in both appeals for PIP and ESA, helping to request medical records from her GP which showed how health conditions were affecting her daily life and limiting her capability for work. Aminah's appeal was successful and because she is now in receipt of PIP, she is exempt from the Benefit Cap. Her income has risen from approximately £500 per month to £2,000 per month, making a vital difference to Aminah and her family.

## Aminah said:

“Winning the appeal has changed everything for me. Not only will I get the benefits I need but the benefit cap has been lifted. Things have been so difficult for us and our eight children, but now I can concentrate on my life and my health.”

## Tribunal Delay

Jack's story illustrates the impact of delays in the appeal process this year. A number of our clients faced delays in resolving their appeal because of the impact of Covid-19. For some, this has exacerbated existing mental health issues. Jack found himself in a difficult situation when his Disability Living Allowance (DLA) was stopped after his claim for PIP was unsuccessful. Jack had attended his medical assessment but this was subsequently disputed by Capita. As this issue could not be resolved, we supported Jack to appeal the decision. A lengthy delay in listing Jack's case had a detrimental effect on his mental health. We were only able to secure an appeal date after making detailed representations about the impact of this delay. Jack's DLA was reinstated and he was put back on the PIP process. He received £14,000 in a backdated payment and we continue to provide support to Jack while on his PIP journey.



This year we have also addressed other wider law and policy issues in social security.

### Escaping the Universal Credit “Lobster Pot”

The legislation associated with Universal Credit (UC) means that if someone who is already in receipt of a benefit makes a claim for UC, then s/he cannot return to the previous ‘legacy’ benefit. This is known as the ‘lobster pot’ problem and applies even where the claimant is worse off as a result of their UC claim. This particularly impacts persons who were in receipt of a Severe Disability Premium (SDP) because UC does not include an equivalent payment.

In January 2019, legislation was introduced to prevent people who received a SDP from being able to claim UC, given that they were likely to be worse off. This year, however, the Law Centre assisted a number of people who were facilitated in claiming UC, despite the legislation that is supposed to prevent this from happening.

### Joan’s Story

One client, Joan, was computer illiterate and asked for assistance from the Jobs and Benefits Office to make a claim for UC. She was told by a member of staff that she would have to get someone to help her, so Joan asked her daughter. Her daughter completed the form and ticked the box to indicate that Joan was not in receipt of a SDP. They had both been unaware that Joan did, in fact, have a SDP in the calculation of her legacy benefit.

The Law Centre intervened on Joan’s behalf, sending pre-action correspondence to the Department for Communities (DfC) that outlined our intention to commence Judicial Review proceedings. The issue was resolved when DfC accepted our submissions that Joan should never have been able to claim UC. Having previously said that it was not possible to return to legacy benefits from UC, DfC ended the UC claim and facilitated the reinstatement of the income-related Employment and Support Allowance (ESA) claim for Joan. She received almost £10,000 as well as a consolidatory payment for the acknowledged maladministration in her case.



£2 million allocated for welfare reform mitigations has been handed back because the NI Executive has not agreed vital legislation...

**IT'S TIME TO CLOSE THE LOOPHOLES**

Cliff Edge Coalition NI

#close loopholes



### **Challenge and Change to Rate Relief**

Entitlement for rate relief, which is assessed annually, is calculated solely on the income received in the first month of entitlement to UC. This can give rise to situations that feel extremely unfair for UC claimants whose income drops after the first month.

### **Gemma's story**

This is what happened to Gemma whose employment ended in March 2020. She made a claim for UC, but then received her outstanding wages on 31 March 2020. The entitlement for rate relief was calculated based on her income in the first month, even though she did not have wages in each subsequent month.

The Law Centre identified that this was particularly impacting people following the Covid-19 lockdown. As people began to lose their jobs, there was a surge in claims for UC and Rate Relief. However, most workers received their notice pay or outstanding holiday pay in the first month of claiming UC. This effectively disqualified many workers from Rate Relief as their entitlement was based on one month's (inflated) income.

Law Centre NI issued pre-action correspondence for Gemma and another client, arguing that this legislation was irrational and was an improper method of calculating annual rate relief. The Department of Finance disputed our claims, but a short period later amended the rate relief legislation to exclude consideration of payment in lieu of notice and/or holiday pay in lieu of holidays when calculating Rate Relief.

Gemma's case was fully settled in her favour and the new legislation was given retrospective effect to ensure those impacted by the Covid lockdown could seek arrears of any negative decisions when they lost their jobs. This amended legislation has provided some financial relief to people adversely impacted by unemployment caused by the Covid-19 lockdown.

# Achieving Policy Outcomes



## Campaigning for the extension and strengthening of Welfare Reform Mitigations

We continue to be a member and co-convenor of the Cliff Edge Coalition – a group of 107 organisations throughout Northern Ireland who together have campaigned tirelessly for the extension and strengthening of welfare mitigation measures.

The Coalition encompasses a diverse range of organisations from sectors including disability, social work, housing, women and trade unions that are united in their belief that protections must be in place for people who are most vulnerable in our community.

Since 2019, the Cliff Edge Coalition has been calling on the Northern Ireland Executive to protect households from the harshest elements of welfare reform; with the increasingly tough economic climate facing many households, this has never been more urgent.

The strength of the Cliff Edge Coalition has been apparent by the heightened awareness among the general public and elected representatives about the urgency of extending and strengthening the welfare reform mitigations package. It enjoys cross-party support from Councillors, MLAs and MPs across Northern Ireland and its analysis is regularly sought by the media.

The work of the Cliff Edge Coalition was recognised in 2020 through its nomination in the Best Coalition Campaign at the Sheila McKechnie Foundation National Campaigner Awards. This was a wonderful, UK-wide acknowledgement of the value of the Cliff Edge's work in advocating for change. It was also nominated in the 2021 Chartered Institute of Housing Awards in the 'Working in Partnership' category.

## Collaborative working with Mencap NI and the All-Party Group on Learning Disability

The Law Centre worked alongside Mencap NI and the All-Party Group on Learning Disability to carry out research into Personal Independence Payment (PIP). As part of this project, we conducted a survey to understand people's experience of the PIP process. This collaborative research came at a critical time as the Northern Ireland Public Services Ombudsman launched its investigation into PIP, specifically into the use of medical information in the assessment of claims. This provided us with an opportunity to meet with the Ombudsman's staff to share the detailed information we have collated over the years.

**“It has been great to work alongside the Law Centre and our other Cliff Edge colleagues on this campaign. The Law Centre's expertise in social security has played a key role, and the success of the campaign to date has shown the power of working collaboratively as a Coalition”.**

**Kerry Logan from Housing Rights, one of our partners on the Cliff Edge Coalition.**

## Second Independent Review of PIP

In 2020, our Social Security team provided oral and written evidence to the Second Independent Review of PIP to make sure that our clients' experiences were heard by the Panel. Among the issues we highlighted was the need to improve the experience for claimants with more than one or fluctuating conditions, to ensure that the staff carrying out assessments are suitably qualified in the relevant condition(s) and that medical information is not the only source of evidence relied upon. We also raised concerns about the effectiveness of the complaints process. The Second Independent Review of PIP, published in 2020, cited the Law Centre's submission extensively.

## Anti-Poverty Strategy Working Group

As a growing number of people turn to food banks for support, the need for a strategy to tackle poverty, social exclusion and deprivation has never been more important. The Law Centre was invited to join the Department for Communities' Co-Design Group that is contributing to the development of an Anti-Poverty Strategy for Northern Ireland. This is an ongoing project that seeks to ensure that the Department understands and reflects the experience and issues faced by people in Northern Ireland who are living in poverty. We are keen to share our analysis of the gaps in the social security system, which effectively leaves people without a social security safety net.

We are also uniquely placed in understanding how and where different areas of the law intersect causing poverty and hardship.

For example, through our immigration work, we know that immigration status can cause and compound poverty due to restrictions on work and the imposition of the No Recourse to Public Funds condition. Likewise, through our employment work, we know that the proliferation of 'casual work' and reliance on zero-hour contracts combined with ongoing difficulties in asserting employment law rights mean that many workers are struggling financially. Accordingly, we are urging the Department for Communities to adopt a broad approach to addressing poverty that recognises its multiple causes.

## UC:Us Project: "The people who've been there and done it"



We had the privilege of working with the UC:Us Project this year.

UC:Us is a group of people in Northern Ireland who receive Universal Credit and want to share their experiences and insights and to engage and influence decision-makers to improve Universal Credit.

In March 2021, we were delighted to offer our support to UC:Us as the team began work on creating a Guide to Universal Credit. This unique guide is based on the lived experience of UC:Us participants and will help other claimants navigate the process, which is often confusing and complex.

Through our policy advocacy work, we consistently highlight the human rights principle of "effective participation", whereby people affected by government policies have an opportunity to be involved in the policy process. UC:Us is an excellent example of how effective participation can work in a local setting and we are proud to be part of this initiative.



## Brexit

Our policy work in the area of Brexit focuses on the implications of the UK's departure from the EU for European Economic Area (EEA) nationals and their families.

Free movement for EEA nationals ceased on 31 December 2020 with the end of the Brexit transition period. During this period, the Law Centre continued to highlight the need for EEA nationals and their families to register with the EU Settlement Scheme and sought to raise awareness of the scheme through a range of meetings, forums and platforms.

One of the categories of migrants we were particularly worried about was prisoners and so we initiated conversations with NIACRO and the Northern Ireland Prison Service to ensure that prisoners and their families have access to the scheme and to quality immigration advice.

We worked to inform and advise cross-border – or frontier – workers affected by Brexit, drawing attention to the Frontier Workers Permit Scheme through the publication of a briefing paper and by hosting a roundtable event with officials from the Home Office and Department for the Economy.



# Upholding Employment Rights in a Pandemic

## Our Employment Rights Service



The relationship between an employer and employee can be complex and this year the Covid-19 pandemic brought a whole new set of challenging circumstances to the relationship. Employees sought to balance their work and home life while keeping safe. Employers were desperate to keep their businesses afloat in a challenging economic climate.

The demand for our employment advice service surged during the pandemic. This is a reflection of its impact on the labour market and the acute pressures and difficulties that so many people were, and still are, facing in the workplace.

As a result of additional resourcing from funders, we were able to increase our capacity within our employment rights team to focus on our response to the unprecedented public and adviser demand for our employment law service.

**We advised 3,278 people on their employment rights.**

### Our response to the Covid-19 Pandemic

The provision of advice and quality public information for employees and advisers was our priority during the unfolding health and economic emergency. We established an email advice channel to try and meet the unrelenting demand.

We also quickly created a new Covid-19 section of our website to provide a reference point for information resources for the public and advisers in response to problems raised by the pandemic.

We covered issues including support for employees and the self-employed, redundancy, changes to employment contracts, health and safety at work, shielding and furlough. We also prioritised the launch of a website translation facility to ensure that the information resources were all available in as many languages as possible and provided substantive updates on these issues regularly to reflect the constantly evolving situation.



Our new Employment Law Bulletin pulled together key updates and ensured that the advice sector was kept fully informed about issues.

The employment advice team began to receive more complex enquiries as the impact of Covid became more apparent. We worked in close cooperation with our Social Security team to ensure that people who contacted us with employment questions, could also easily access our specialist social security advice.

We worked closely with the Department for Communities to ensure a coordinated approach for referrals from the Covid-19 Helpline to the Law Centre's employment advice service.

In August 2020, there was a significant outbreak of Covid-19 at a meat-processing factory in Northern Ireland. Within 24 hours, the Law Centre had produced an information briefing on employees' rights in this context and made this available in a range of languages. Working closely with the Department for Communities and other community organisations, this resource was translated for immediate distribution among the workforce.

Engaging regularly with our partners at the Labour Relations Agency and the Ulster Law Clinic, we shared our insights and considered projected demand in order to maximise how our organisations could contribute at this unprecedented time.

We communicated regularly with our members, partners, the community and voluntary sector and MLAs, as well as through public channels, to highlight the availability of our service and our information resources during the Covid-19 crisis. Details of our service were included in Department of Health correspondence issued to 90,000 people who were shielding in Northern Ireland.

We also produced an information resource on Shielding and Returning to Work in anticipation of the cessation of shielding in July 2020.

Our employment team held regular webinars to support the advice sector with timely analysis of Covid-19 employment issues. One of our webinars on Employment and Covid-19 reported a 5/5 overall star rating with attendees reporting 100% "knowledge increased", "better able to advise", "more confident" and "improved quality of advice".

**One adviser who attended said:**

"This provided valuable information that has greatly enhanced my ability and confidence in providing advice on employment and furlough rights".

The Law Centre took part in regular media engagement to update the public on their legal rights during the pandemic. For example, we highlighted a particular problem for some keyworkers who were experiencing difficulties with accessing childcare. After the Health Minister announced that the definition of a key worker was to be expanded for childcare, the issue was reported in the Belfast Telegraph which cited:

"It comes after the Law Centre said parents who can't get childcare are being threatened with disciplinary action". **Belfast Telegraph**



## Employment Legal Work

Our employment legal work this year included a settlement where we secured £2,000 for a worker who had been unfairly dismissed. Our client reflected the importance of the legal support received by the Law Centre, saying:

**“Could not ask for better. Everything was explained and even when I asked anything I was worried about. 100% helped me with my case and made the whole process a lot less stressful. I can’t thank the Law Centre enough for helping me step by step... and getting a quick successful result”.**

Work on a number of other employment cases continues including an unfair redundancy dismissal case with complex disability issues, unfair dismissal and non-payment of holiday pay, unfair dismissal and failure to provide employment particulars and pension, and a claim on behalf of a group of clients who are challenging redundancy and application of Transfer of Undertakings (Protection of Employment) (TUPE) rules.

Aside from Covid-related issues, this year we also provided analysis of legal decisions which have implications for the employment sector in Northern Ireland and produced legal briefings for advisers to assist them in dealing with enquiries.

One such decision was a landmark judgment in February 2021 by the Supreme Court, which ruled that a group of Uber drivers were workers and not independent contractors for the purposes of relevant employment legislation. The outcome of this judgment had wide-ranging implications for employers and employees in Northern Ireland, particularly those operating in the ‘gig’ economy – where people receive a payment per assignment or ‘gig’ such as a food delivery, rather than being paid by the hour, day or receiving a salary. Our employment team published a briefing to assist advisers and the public throughout Northern Ireland to understand the new legal position on this issue.

### Jane’s Story

Jane contacted the Law Centre when her contract with a cleaning company was terminated after 22 months’ service. Jane had been offered a new contract with the same company, however this meant going back on probation. During the pandemic, Jane was put on Statutory Sick Pay, rather than furlough, despite the fact that she was not ill. Jane had never taken a sick day and had a clean disciplinary record. Jane decided that she was not going to sign a new contract with the cleaning company and, with assistance from the Law Centre, she received £2,500 for unfair dismissal.

Our Frequently Asked Questions on Covid-19 related issues were viewed **30,622** times on our website.



# Immigration and Asylum

## Our Immigration Hub

The Immigration and Asylum hub at Law Centre NI provides advice on a range of issues including the EU Settlement Scheme, support to victims of modern slavery, applications for asylum, the rights of refugees in Northern Ireland and the Syrian Vulnerable Person Resettlement Programme.

Our specialist advice helps individuals and families secure a 'durable solution' to their immigration status, which means they can get on with building their lives here. We prioritise our service based on need and on matters that raise complex or technical legal issues or points of wider public importance. Hanna's case is an example of a strategic case we pursued this year.

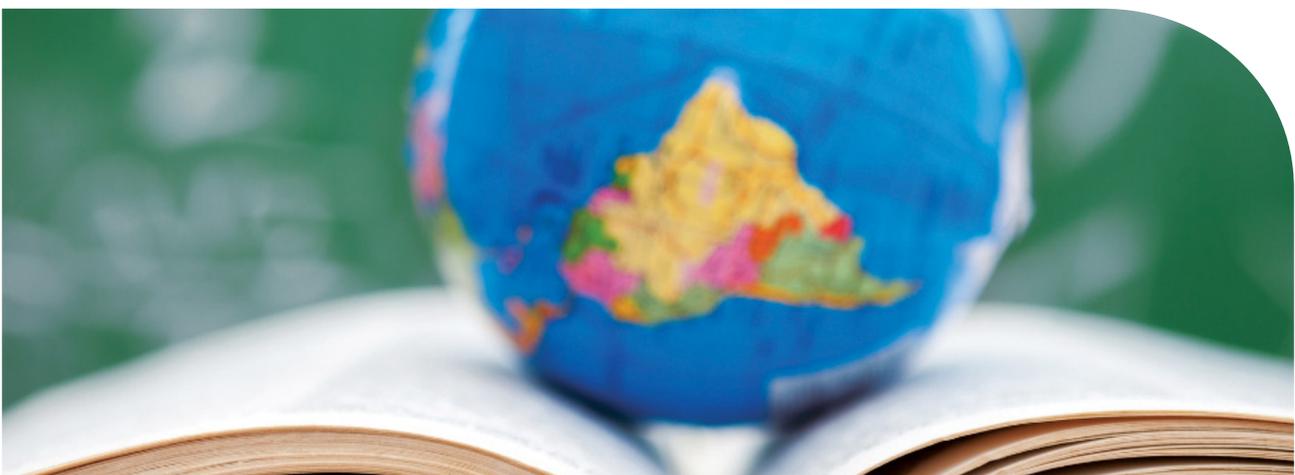
### Hanna's Story

Hanna is an asylum seeker who fled her country after suffering abuse and threats from a powerful political faction. She has a young child. Her initial claim for asylum was refused. Hanna has suffered trauma and has associated communication problems, which may have affected her ability to engage fully in her lengthy asylum interview.

The refusal of her claim had been substantially based on negative credibility conclusions drawn from the interview. We instructed an expert psychologist and started the process of building the case to launch a Judicial Review of Hanna's refusal for asylum and the interview process and to uphold the rights of her child who was affected by the decision. We continue to support Hanna through this ongoing process.

### Bao's Story

Bao is a vulnerable migrant whose family had previously experienced a situation of trafficking and exploitation. He gave evidence against the traffickers, which led to convictions. The criminal gangs based in Bao's home country targeted his family for revenge and our client was subjected to long-term harassment and violence. He had expected that due to his family's history in the UK the Home Office would be sympathetic to his plight, but instead his asylum claim was refused without a right of in-country appeal. We instigated Judicial Review proceedings to challenge the lack of accessible appeal and the Home Office ultimately conceded this point in late 2020. This created the opportunity for a First-Tier Tribunal appeal and this process remains ongoing. The asylum process has been particularly challenging for Bao and has exacerbated his fragile mental health.



## Latifah's Story

In mid-2020 we were contacted by Latifah, a refugee who is desperate to bring her daughter's family to safety, including her two young grandchildren. Latifah turned to the Law Centre for help. We have consistently championed the importance of access to family reunion for refugees and so we were keen to help Latifah. Like many other refugees, her daughter's family had fled to a neighbouring country where they live in very difficult circumstances. One of the obstacles for Latifah's daughter is the substantial immigration application fee. Whereas there is no fee for refugee family reunion for 'close' family members, a fee applies to 'extended' family members and this applies to Latifah's daughter given her adult age. Her family is destitute and cannot pay. We are challenging the lack of fee waiver through Judicial Review proceedings. If successful, this litigation could be extremely beneficial for other refugees who are separated from their loved ones.

## Supporting the Syrian Vulnerable Person Resettlement Programme

Northern Ireland has played an important role in addressing the Syrian humanitarian crisis and almost 2,000 Syrian refugees have been resettled in Northern Ireland since 2016 under the Syrian Vulnerable Person Resettlement Programme (VPRS). Law Centre NI has been a member of the Northern Ireland Refugee Resettlement Consortium since its inception, which delivers a range of services to newly arrived refugees. Our role is to provide legal advice to VPR Syrian refugees. We assist with orientation and inform refugees of their legal rights, entitlements and obligations in Northern Ireland. We also provide legal advice and casework with immigration applications including family reunion and settlement applications.



## Settlement Applications for Syrian Refugees

Refugees under the Syrian Vulnerable Person Resettlement Programme are granted five years' refugee status. Prior to their leave expiring, they must apply for settlement, also known as Indefinite Leave to Remain (ILR).

The first group of Syrian refugees became eligible for settlement in December 2020. We quickly identified a problem where, for administrative reasons, it was very difficult for the refugees to register their biometric information within a short window of time. The Migration Justice Project alerted the Department for Communities to the very real risk of Syrian refugees becoming undocumented. The Department liaised with the Home Office which provided an assurance that the ILR applications would be treated as valid while the biometric information was pending. Just under 2,000 refugees were admitted to Northern Ireland through this scheme and will benefit from this concession. To communicate this we prepared an information note which was circulated by the Department for Communities to statutory agencies and by the Migration Justice Project to the migrant and advice sector throughout Northern Ireland.

# Migration Justice Project



## Achieving Durable Solutions through Legal, Policy and Community Engagement

Our new Migration Justice Project started this year building on a long history of immigration work at the Law Centre. The Project's commitment is to achieve durable solutions for migrants living in Northern Ireland whose status puts them at risk.



**Migration  
Justice  
Project**

Through its three different strands - legal, policy and community engagement - the project makes tangible and meaningful differences to the lives of migrants in Northern Ireland. We are working in partnership with many wonderful initiatives and organisations in this field, and we are confident that the project will make a significant difference.

Here are some examples of the work that the Migration Justice Project has embarked on within the first couple of months of the project:



### Refugee Voices Forum

Working in collaboration with the Northern Ireland Strategic Migration Partnership (NISMP) and the South Belfast Roundtable (SBRT), we have established a framework to create a Refugee Voices Forum for Northern Ireland.

Once established, the Forum will provide the vehicle whereby members of the asylum seeker and refugee community can speak directly to policymakers in Northern Ireland and play a role in shaping policy that will benefit the refugee community for years to come.

### Co-Facilitator, Hasna Eisiyofi, said:

“This is an exciting project as it is focused truly on the voices of those who are within the asylum system and those who have refugee status. This is an opportunity to represent and utilise existing skills. To allow for direct voices representing ourselves is long overdue and we are ready. It is truly an authentic and targeted approach. Simply put it is direct engagement with asylum and refugee communities”.

Having successfully sought initial funding to scope the project, we are now a member of the Advisory Group to the consultation process. So far, almost 100 asylum seekers and refugees have given their views. Feedback has been extremely positive to date. It is clear that there is a real appetite among the refugee community to become involved in the public policy process. We look forward to the Forum getting off the ground in early 2022.



## Sure Start Maternity Grant for Refugee Women

We wrote to the Department for Communities in December 2020 to highlight a judgment in Great Britain which ruled that refugee women with 'pre-flight' children could apply for the Sure Start Maternity Grant (SSMG).

We advocated a change in the Department's policy and highlighted that a proactive approach would avoid the need for any similar litigation in Northern Ireland. The Department agreed to amend the policy, which came into effect in January 2021. Under the revised guidance, a refugee woman with 'pre-flight' children can now apply for the £500 one-off grant on the birth of her first child born in Northern Ireland.

The Migration Justice Project worked with the Refugee and Asylum Forum and the Northern Ireland Refugee Resettlement Programme to identify women who might qualify and to encourage applications.

## Access to Healthcare for Undocumented Migrants

In 2015, the Law Centre and partners successfully lobbied for a change in legislation to ensure that all asylum seekers in Northern Ireland can access free healthcare. Five years on, there are still gaps in entitlement and problems with the way the law is implemented meaning that some migrants face difficulties in getting essential medical treatment.

In the immediate context of the pandemic, we worked alongside partner organisations including the Red Cross, Flourish NI, Mears and the Northern Ireland Strategic Migration Partnership, to identify a practical solution whereby migrants who were not registered with a GP could access the Covid-19 vaccination programme in Northern Ireland.

We also engaged with the Business Services Organisation to understand why a number of refused asylum seekers continue to be refused GP registration.

Our influencing work on this issue continues and we are engaged with the Department of Justice in support of victims of trafficking who do not yet have healthcare entitlement.

Our view is that denying migrants access to healthcare puts lives at risk and also has implications for public health.

## Six Months of Unlimited Wi-Fi for Asylum Seeker Families

"In today's world where everything is done with the internet, access to internet is a human right".



The pandemic forced families everywhere to start homeschooling their children. For families of asylum seekers and refugees who have extremely limited financial means and who relied on libraries and charities for internet access, this left them completely isolated and unable to engage with online learning.

Working with members of the Refugee and Asylum Forum, we spoke to the Education Authority in Northern Ireland (EANI) to encourage it to procure and distribute tablets to asylum seeker families with school age children.

We then secured support from the Community Foundation in Northern Ireland to pay for internet data. This enabled our partners at the South Belfast Roundtable to purchase 150 dongles and six months of unlimited Wi-Fi for all asylum seeker families with school age children. By February 2021, all eligible households (150 in total) had received Wi-Fi and tablets or laptops.

The Migration Justice Project continues to work with the Refugee and Asylum Forum with the long-term aim of ensuring that all families have reliable access to the internet.

# Supporting the Sector and the Public through Legal Information



We produced **40** information resources to help the public and advice sector to understand changes in social security, employment and immigration law.



We know that Covid-19 had a disproportionate effect on vulnerable people in Northern Ireland and organisations providing advice within their local communities were, like us, experiencing a significant demand for their service. We also know that access to up to date legal information is critical to assisting advisers to support their communities.

In addition to providing information for advisers, public legal information helps people to understand their rights and is the first step to resolving a problem.

To support the advice sector, we share our legal expertise, tips and advice through Legal Information Briefings, Adviser Practice Guides, Webinars and Adviser Network Meetings.

This year we also launched our quarterly Social Security Law and Practice Bulletin – an essential resource for advisers which provides updates on legislation, case law and other social security issues. Our Bulletin reaches over 800 frontline staff and stakeholders throughout Northern Ireland, ensuring that advisers are well-equipped to provide a quality service. Our Bulletin also promotes our strategic litigation and policy work by helping advisers to identify issues for referral to the Law Centre’s legal team.

Given the pace of change this year, we produced a series of Frequently Asked Questions and Legal Briefings on a range of significant issues including:

- **Employment and Covid**
- **Self-Employment and Covid**
- **Redundancy rights**
- **Shielding and returning to work**
- **Coronavirus outbreaks at my work: What are my rights?**
- **Indefinite Leave to Remain applications for VPR Syrian Refugees**
- **Frontier Workers Permit Scheme**
- **British National Overseas visas for persons from Hong Kong**
- **Applying to the Home Office to lift No Recourse to Public Funds condition**

# Supporting the Sector with Training

## Meeting training needs during the pandemic

Despite initial fears of a disruption to our ability to sustain our training support to the sector in the Covid-19 pandemic, we were able to quickly adapt to the changing environment and move our training and information sessions online.

Face-to-face training was suspended in March 2020, but with support from the Department for Communities for the implementation of a digital training platform, we were able to continue to deliver training to frontline advice agencies at a vital time.

We restructured the content and format of the training to reflect online delivery, earning positive feedback from participants. We learned that the online format offered more flexibility and enabled more learners to participate in our courses.

We collaborated with other organisations to provide Covid-19-related updates to advisers including issues relating to complex Covid-19 rules and benefit entitlement.

At the height of the pandemic, we delivered a series of webinars to advisers on a range of subjects including social security, employment, immigration, cross-border issues and the EU Settlement Scheme. In just three months from April until June 2020 these attracted almost 600 people.



The average satisfaction level across the series of webinars was 98% and is reflected in feedback:

“All the webinars have been invaluable in keeping up to date with the changes in the advice sector over recent times”.

“Thanks for the entire webinar series, which helped me feel connected despite not being able to see clients face-to-face”.

One of the aims of the Law Centre’s popular Certificate in Generalist Advice course is to build a skilled pool of new and aspiring advisers to provide high quality generalist advice across Northern Ireland.

This year, nine sessions of the course were delivered to over **180** participants in the sector.

Last year we delivered **35** online training events and webinars to over **1,400** people from the advice sector and other organisations in Northern Ireland.



"I found my course excellent. It was difficult to go back to studying after so many years away from it, but my trainer at the Law Centre was fantastic.

**Anne Reid from the Neighbourhood Development Association**

## Annual Social Security Law and Practice Conference

In October 2020, we held our Annual Social Security Law and Practice Conference entirely online, spreading the programme over three days. The programme focused on "a decade of change" and included keynote webinars,

'in conversation interviews' and practitioner workshops. The conference reflected on the last ten years of reform to the social security system and the impact that this has had on claimants, hearing perspectives on children, young people, housing and human rights.

We heard from the Joseph Rowntree Foundation, the Social Security Advisory Committee and the Minister for Communities – among many other outstanding speakers – about the lessons to be learned from the response to the Covid-19 pandemic, current priorities on poverty, future challenges in a post-Covid-19 world and cross-border issues around Brexit.

## Looking to the future of Social Justice Law



### Justice First Fellowship Scheme

We are proud to take part in the Justice First Fellowship Scheme – a programme that brings legal apprentices into the area of social welfare law, so they become leaders in their field as part of a new generation of social justice lawyers.

This year, our new Fellow commenced their training at the Institute of Professional Legal Studies and we are grateful to The Legal Education Foundation for its support.



### Clinical Law Module Queen's University

The pandemic meant that we had to pause our Clinical Law Module with the Law School at Queen's University Belfast. We hope to welcome our final year law students back to the Law Centre next year.



Queen's University Law School



**QUEEN'S UNIVERSITY BELFAST**

# Quality Matters



**Quality Matters.** We are always looking to learn and improve so that we are able to respond to our clients and to a constantly evolving law and policy landscape.

## **Northern Ireland Advice Quality Standard**

Both Law Centre NI and Advice NI work with the Department for Communities on the Northern Ireland Advice Quality Standard. Our role is to provide an independent quality audit role within the sector. This year our Quality Officer secured the internationally recognised ISO 9001 Lead Auditor qualification and is now a registered practitioner with the Chartered Institute of Quality, fully qualified and trained in all aspects of quality audit and improvement to support the sector in Northern Ireland.

## **Case Management System**

We also made some innovative changes to our case management system, which meant that the Law Centre NI team had the necessary support to efficiently handle cases digitally in the remote working environment, while also ensuring that our clients continued to receive excellent levels of customer care. As part of our commitment to continuous improvement, we developed an internal quality training programme to support existing and new staff.

## **Lexcel and Innovation**

In 2020-21 we maintained our Lexcel Quality Standard with 22 areas of good practice noted. We have been working closely with our partners at the Law Centres Network on a pilot to enhance digital capacity and to look for new innovations in how we better support clients when they contact us for help.



# Financial Information

Law Centre NI is a company limited by guarantee. The Centre is a registered charity with HMRC and the Northern Ireland Charity Commission and we are dependent on funders and supporters to help people.

## Charity Information

### Trustees

Patrick Colton  
 Gavin Davidson  
 John Donaghy  
 Fiona Greene  
 Janet Hunter  
 Laura Irwin  
 Maureen McGuigan  
 Gavin Cox

### Registered Office

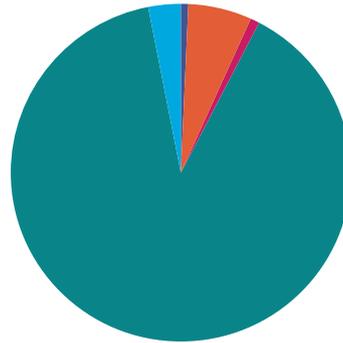
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### Director

Ursula O'Hare

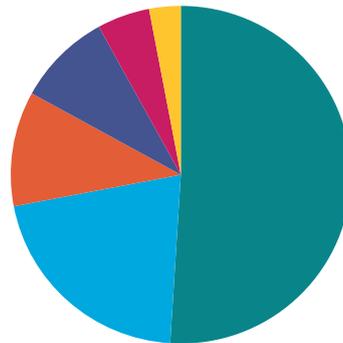
Company number NI028090  
 CCNI number 107044  
 HMRC Charity number XN48784

## Income by Category



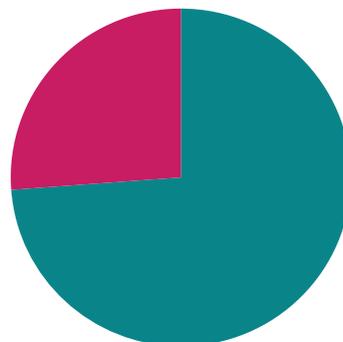
- Membership (1%)
- Training (6%)
- Legal Income (1%)
- Charitable Income (89%)
- Other (3%)

## Charitable Income by Funder



- Department for Communities (51%)
- Department for the Economy (21%)
- Oak Foundation (11%)
- Community Justice Fund (9%)
- The Legal Education Foundation (5%)
- Respond and Adapt (3%)

## Expenditure



- Salary Costs (74%)
- Running Costs (26%)



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The work we do is only possible because of the generous support we receive from our funders. We thank them all for their acknowledgement that specialist legal services change lives and their confidence in supporting us to do just that.

