



# Newcastle Law Centre Annual Report 2008

Working for equality and justice

## Chairs Report

I have been Chair of the Management Committee for many years (nearly 15) and much has changed in that time. We've moved premises twice; we've become a charity; staff numbers have trebled; we're now liable for VAT; we're no longer a collective; we now have contracts with the Legal Services Commission (LSC) for the various kinds of work we do. What hasn't changed in that time is the precarious nature of the funding. We may turn over more than half a million pounds but the margins are still very small. Quite small events, which would have very little effect on a larger organisation, can cause us quite big problems.

Of course, I've said this or something like it most years and we're still here. This year, though, for the first time, we've had to consider redundancies. We did so very reluctantly but the financial projections suggested that we would be in the red by the end of the year if we failed to take action. In the end, our financial situation improved a bit and we did not have to lose the Immigration Caseworker / Solicitor posts we thought were at risk, but Margaret Ferguson, our Publicity / Fundraising Worker has been made redundant. I would like to take this opportunity to thank Margaret for all the hard work she has done for the Law Centre, helping change how we look to potential funders.



Margaret Levy

The main reason for our financial problems is the change in how the LSC pays for the work we do. Until October 2007, we had a contract for a certain number of hours work on each of the areas we cover. The money was paid in equal amounts each month and a sum was included to cover disbursements. These are payments we make to professionals (interpreters, doctors, etc) to support our clients' cases. Now, most payments are made when cases are closed. This even applies to disbursements so that we may be out of pocket for some time before getting the money back. You can see how this causes us problems. Although the new arrangements have been in place for 18 months some aspects of charging and reporting to the LSC remain unclear. This makes things uncertain for the workers as they may make claims in good faith, only to be told they have claimed wrongly.

As always, there have been some staff changes: we've said goodbye to two housing caseworkers this year, Stephen Thompson and Catherine Pearson, who have moved on to other jobs. Thanks to both of them and welcome to David Quee who took over just before Christmas. We also welcome Katy Fischer, our new supervising solicitor. Her specialism is Immigration and Asylum, so we are assisted with Housing Supervision by Deb Still, who was our old Housing Solicitor, and Etienne Attala, our Employment Solicitor from 5 years ago, is acting as a mentor for our Employment Caseworker. The

Equalities and Human Rights Commission have decided on a 'break' in funding for the Public Legal Education work we do, which has meant that Cleo Gregory has had to look for alternative employment, but we are pleased that she has found a post at Berwick Citizens Advice Bureau. Lisa Petrie, one of our Immigration Caseworkers has decided to leave and pursue different career options. I would like to thank Cleo and Lisa for all their hard work. Finally, welcome back to Vimbai Chasi who is now doing discrimination casework for us.

I would also like to thank the increasing number of volunteers who have been helping the Law Centre over the year, including those who have left us this year: Emma Crowther, Mohammed Kamal Eihaj, Zoya Ishaq and Violet Sinclair.

Thanks to the workers for all their hard work. It's what keeps us going. Thanks too, to the Management Committee; community links are important too.

I said last year that we need more Management Committee members from different organisations. We haven't made much progress on that this year so I'll repeat the plea: if you're a member of an organisation not represented on the Management Committee try to get your organisation to nominate someone. We can co-opt people to fill vacant places. Alternatively, if you didn't know anything about the Law Centre before reading this but are interested, call the Law Centre for a chat about what's required. We need people to get involved.

**Margaret Levy**



## Discrimination

The Equalities Department is funded by the Equality and Human Rights Commission (EHRC) to provide free legal advice and representation to people experiencing discrimination across the seven strands of discrimination which are:

Age  
Disability  
Race  
Religion and Belief  
Sexual Orientation  
Sex  
Gender reassignment

*“There is a need for more disability case workers to encourage more people to take forward DDA cases.”*

## Major Developments

From April 2006 the Law Centre has received funding to provide free training on Disability and Race Discrimination law to voluntary organisations and individuals. The big news for the last year is that from April 2008 this was extended to all the different strands. Unfortunately, from April 2009, the EHRC has decided to have a six month ‘break’ in the funding they provide organisations, apart from casework, which means we will not be able to provide as much training and our training worker, Cleo Gregory, has had to find alternative employment and we will lose this expertise. Because we had Cleo working for the Law Centre, we were able to assist Citizen Advice Bureaus in Northumberland with training their advisors to help clients facing discrimination. However, although the funding for training ends in March, we know the casework funding will continue for at least another 6 months and we will have an opportunity to apply for three years’ funding.

It has been both interesting and disappointing to discover how much race and disability discrimination is going on in Newcastle. Our casework has tended to be dominated by these two areas although we have increasingly taken on cases relating to the other strands as people get to know about the service we provide.

There have been several cases decided this year, the most controversial being the Malcolm (Malcolm v Lewisham London Borough Council) decision which has changed the meaning of less favourable treatment in disability discrimination. This judgement has virtually made disability related discrimination redundant, which will continue to have a profound negative effect on employees and disabled service users who once would have been protected. Recently, we have seen the



Malcolm reasoning applied to an education case so its effects continue to be worrying. However with changes in law come new challenges and we are striving to do our best for our clients in light of these changes.

## Achievements

We are particularly proud of our achievements in disability discrimination and have successfully concluded many cases for our clients. We have been able to negotiate a settlement in a case involving lack of adjustments for disabled people travelling by rail where the passenger was given incorrect information, making his journey a nightmare. We have also been able to settle cases where a hotel and a private club failed to make reasonable adjustments to their premises and facilities with the effect that it was unreasonably difficult for disabled people to use those services. These 'adjustments' were the provision of accessible toilets, so were very 'basic'.

At present, we are engaged in several exciting cases involving two public authorities. We are trying to use the Disability Discrimination Act to get 'reasonable adjustments' made to Councils' provision in housing. If we succeed on this it will mean a very significant extension of the law and real change for many disabled people.



## Housing

The Law Centre provides advice and representation in the following areas of housing law:

Possession Proceedings  
Homelessness  
Disrepair  
Re-housing  
Rent arrears  
Illegal evictions / harassment

***“I find all the lawyers and staff very good at their job, very helpful and caring. Keep up the good work.. They do not discriminate, they treat everyone equally, which is very good.”***

We are one of the leading providers of advice and legal representation in housing law within the City of Newcastle. We continue to co-ordinate the Newcastle County Court Housing Duty Scheme which was set up in 2001 with five agencies. We now have 11 agencies and private practice firms taking part and the scheme is fully funded by the Legal Services Commission.

Over the last 12 months the scheme assisted 800 tenants and home owners at court keeping many people in their homes. We run the Duty Scheme every morning for warrants cases and on all other days when there is a rent or mortgage case. The Judges at the county court find the scheme very valuable.

Many of our housing clients come to see us when they have reached crisis point. Many are vulnerable or come from disadvantaged communities. The Law Centre prioritises helping people sustain their homes so they do not become even more socially excluded.

The Law Centre aims to continue providing legal advice and representation to the most vulnerable in society despite the current changes to the provision of funding by the government.

We are working closely with Newcastle City Council to tackle the ongoing financial crisis which is likely to be cause for many people to lose their homes. We aim to provide advice and assistance at an early stage and representation at court if necessary.

## Welfare Benefits

Newcastle Law Centre provides expert legal advice in respect of Social Security Law. We provide expert legal advice in respect of :

Disability Living Allowance \ Attendance Allowance  
Incapacity Benefit  
Income Support  
Carers Allowance

Industrial Injuries Benefit  
Housing and Council Tax Benefit  
Bereavement Benefits  
Tax Credits  
Social Fund  
Extinct Benefits

*"I would just like to thank Andy Malik for all the help and advice he gave to my son and me (his mother). He was so helpful. I enclose a cheque for £100."*

and representation before all Tribunals and Courts.

We provide specialist representation to vulnerable communities such as those suffering from mental health problems. We have a 98% success rate in respect of all Appeals that we act in. Further we provide second tier advice to other professionals in respect of complex cases such as overpayments.

In a recent case a local advice agency referred an overpayment appeal to us. We successfully argued that the amount of the overpayment was incorrect. Further we obtained a specialist psychological report which helped us argue that as our client has a low IQ she could not adequately participate in the judicial proceedings. This led to the Secretary of State writing off the entire overpayment. We continued to act and obtained a backdated sick note and successfully argued that our client should have been entitled to the disability premium since her Income Support claim started. The Tribunal allowed this appeal and she received over £3000 arrears.

Newcastle Law Centre has always provided high level legal advice in all of our specialist areas. However the introduction of the LSC fixed fee since October 2007 means that the Law Centre is under greater financial pressure because of the high level legal advice and appeal representation that we provide. Except for a tiny number of cases, we will be paid the same fee no matter how complex a case, benefiting those who only do low level work and disadvantaging those such as Law Centres who do the more complex cases.

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### **New Legal Services Commission (LSC) Contracts for 2010**

**N**ext year, just as we are bedding in the changes from last year, there will be two further significant changes to LSC funding.

Firstly, The bid for the Asylum and Immigration work will be a bid area that starts at Berwick and goes down to include Yorkshire and Humberside, the Home Office region. We are working with the four Yorkshire Law Centres to co-ordinate our bids.

Secondly, and more significantly, in order for us to continue to do Housing and Welfare Benefits work, we will either need to bid to do Debt work or be part of a consortium which includes Debt. We are discussing with a private law firm, with other not for profit organisations, and amongst ourselves, how we can respond to this challenge and provide a more integrated service.

## Employment

Newcastle Law Centre provides help to employees with all aspects of employment law, including:

- Dismissal
- Wages
- Terms and Conditions of Employment
- Equal pay
- Maternity Rights
- References
- Sickness at work
- Contracts of Employment
- Redundancy
- Grievance Procedures
- Disciplinary Procedures
- Employment Status
- Compromise Agreements
- Time Off

*"I am so grateful to you and everyone at Law Centre for the help and sheer commitment I have enjoyed over the past year. You took a bleak situation and eventually turned it around completely. I am so fortunate to have benefited from your skilled services."*

We particularly specialise in discrimination law, providing assistance for people who otherwise may not be able to access it. Cases we have dealt with include: sex discrimination, race discrimination, disability discrimination, and age discrimination. This is a complex and dynamic area of law and we assist many clients who would otherwise get no representation or assistance. This work is funded by the Equalities and Human Rights Commission (EHRC).

We have provided representation in many hearings and have facilitated many settlements on favourable terms for our clients which can be beneficial and a less stressful way of bringing a successful conclusion for our clients.

## Major Developments

### **Coleman-v-Attridge Law**

In the case of Coleman-v-Attridge Law that was decided in the European Court of Justice (ECJ) in July it was held that 'associative discrimination' on the grounds of disability is unlawful. In that case Ms Coleman, who was not herself disabled, complained that she suffered discrimination on the ground that she was the mother and carer of a disabled child. The ECJ stated that such associative discrimination does fall within the protection of the Equal Treatment Directive because the principle of equal treatment applies to the grounds of



discrimination set out in article 1, not simply to people who themselves have a disability. In the words of the Advocate General, whose opinion was followed by the ECJ, 'a robust conception of equality entails that these subtler forms of discrimination should also be caught by anti-discrimination legislation'. It is clear that the purposive approach to associative discrimination must apply to all forms of discrimination listed in article 1 of the Equal Treatment Directive (ie not only disability but also age, sexual orientation, religion or belief).

Following the ECJ's decision, the employment tribunal has ruled that the DDA does not need to be amended but can be read in such a way as to protect people in Ms Coleman's position. It said that the definition of direct disability discrimination should be read as follows :-

*'A person directly discriminates against a disabled person or a person associated with a disabled person if, on the ground of the disabled person's disability, he treats the disabled person or a person associated with the disabled person less favourably than he treats or would treat a person not having that particular disability or association (as the case may be) whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person or the person associated with the disabled person.'*

This is obviously a very favourable decision for people who are not themselves disabled but who are associated with disabled people (such as parents or spouses) and means that they are protected from less favourable treatment on the basis of their relationship with a disabled person.

### **Stringer-v-HMRC**

The long awaited decision of the ECJ in the case of Stringer-v-HMRC on the position of a person on long-term sickness absence, in relation to statutory holidays under the Working Time Regulations 1998 has recently been decided. This decision will be particularly useful to employees who are on long term sick and have exhausted their entitlement to sick pay.

As a result of the decision, workers who are off on long-term sick leave do accrue statutory holiday. This may be taken by treating part of the time off sick as 'holiday' provided the necessary notice to take holiday is given, and so those weeks of holiday will be paid at the worker's normal pay rate. If the employer does not allow workers to take holiday whilst on sick leave, they must be allowed to take



the holiday accrued when they return to work, which may mean it needs to be carried over into the next leave year. The ECJ also held that a worker who is on sick leave for the whole or part of a leave year and who has not been able to take the statutory holiday accrued by the end of the leave year will not lose it and should be allowed to carry it over to the next leave year and if their employment is terminated, workers must be paid in lieu of statutory holiday accrued, if they have not been able to take the holiday because they were off sick.

The House of Lords now has to decide whether the statutory holiday accrued while a worker has been off sick should be taken during that leave year (or a payment in lieu made), or whether it can be carried over to another leave year. Whatever the Lords decide, it is likely that workers who wish to take leave, even if they are off work sick, still need to give the relevant holiday notice.

## Achievements

We have provided representation in many hearings and have facilitated many settlements on favourable terms for our clients which can be beneficial and a less stressful way of bringing a successful conclusion for our clients.

In one of our cases we represented a lady who worked as a care worker. Part of her job required heavy lifting. She fell pregnant and although a risk assessment was carried out it was not properly implemented. As a result the claimant suffered back pain and immense stress and anxiety and consequently was unable to attend work during what should have been a happy and exciting time for her. We successfully brought a claim of sex discrimination against her employer.

During the past year we have settled a diverse range of cases and have brought in over £60,000.00 for our clients in settlements.



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## Immigration

With three solicitors and two part time accredited caseworkers we specialise in all aspects of immigration work, including:

Applications for visas and entry clearance  
Relationship and marriage applications  
Students  
Citizenship and nationality  
Asylum and human rights applications; and  
Applications under the new points systems

***“My solicitor did not just deal with me as a “client”. She took my case to heart and was genuinely connected or in understanding of my problem. She was very kind and friendly and did not just come across as a solicitor but a support, a listening ear and someone who cares. I could never have asked for more.”***

We focus on particularly vulnerable people such as sex trafficking victims and unaccompanied asylum seeker children. We are also able to provide a weekly drop in advice session, funded by Newcastle Council, for the many individuals who are unable to find representation due to the limited suppliers in the North East.

### Major Developments

We have been working to adjust to the new Legal Services Commission (LSC) making sure that we open enough ‘straight forward’ cases to balance the more complex ones that we specialise in, such as the trafficking cases. Essentially, the new system has meant that our payments from the LSC were significantly less for the first year of the new system because we are only paid once the files close. One big problem is that we have paid out £25,000 in disbursements which we cannot claim from the LSC until the files close. As these files close and we claim the money, we will continue to incur further disbursements meaning that is an amount of money we will never recover.

At the beginning of 2008, a report commissioned by the Council and others working with destitute ‘failed’ asylum seekers was published. One of the issues raised was the difficulty in getting legal representation for people who wanted to make new representations to the Home Office. This might be people from countries such as Zimbabwe where the Home Office have recognised that the situation has deteriorated and have granted more people leave to remain, people who have new evidence about the dangers they would face or those whose circumstances had changed, either because they had established family life with someone living in the UK or medical problems. The Law Centre worked with the West End Refugee Centre (WERS) to establish a solicitor rota, with David Gray Solicitors and Brar and Co Solicitors, for people to see a legal representative. Already, we have identified some cases where we can assist. If you know someone who needs such an appointment, please contact WERS on 0191 273 7482 to arrange an appointment.

The Home Office have now introduced a whole new points system for those who want to travel to or remain in the UK to work, including many students. We have trained ourselves in the new system and are helping many people apply.

**Achievements.**

Newcastle Law Centre has been pivotal in the development of emerging case law with no less than two country guidance cases this year:

We represented IA (Syria) (all Court of Appeal cases now only have initials to identify them) which established that Kurdish people from Syria, if there was sufficient evidence of their political activities in the UK, then this alone could put them at risk if returned to Syria and our client will be granted Refugee Status.

In the case of BE (Iran), a client who had previously been trained to remove landmines, was ordered to lay them in areas that would put civilians in danger and who we initially represented in 2000. We established that if someone deserted from the military refused to carry out such acts they should be entitled to refugee status regardless if there was any risk on return. In our client's case, he may not have faced torture or inhuman treatment if he returned, but he would be obliged to complete his military service and continue laying the mines and the Court agreed that this was wrong. This has led to a question in Parliament and the Home Office are reconsidering the guidance it provides its officials who make the decisions on asylum claims.



## Members of staff

Andrea Goodwin; I have worked in the legal profession, both in the voluntary and private sector, for over twenty years. I started work at the Law Centre in October 2000 as the administration and finance worker.

Sarah Jones; I have been a Legal Secretary for 19 years, with the last six years being spent working at Newcastle Law Centre. I have gained varied experience working in family and criminal law departments in private practice before joining the not for profit sector.



Sarah, Susan and Andrea

Susan Taylor; I am a legal secretary with 34 years experience in all areas of the law and have worked for the Newcastle Law Centre for the past 4 years on a part-time basis.

Christine Livesey; I have worked in the legal sector for around 38 years albeit the majority of which has been in private practice. I came to the Newcastle Law Centre in 2005 and have a wide range of duties which include, typing, receptionist, telephonist and dealing with clients on a day to day basis.



Christine

Andy Malik; I am an expert in social security law and also have expertise in criminal law particularly in benefit fraud and benefit overpayments. I have represented clients in over 500 appeals. I joined the Law Centre in 2004. I am also a peer reviewer for the Legal Services Commission in respect of quality of legal advice.



Andy

David Quee; I am the new housing caseworker. I previously worked as a Tenancy Relations Officer with Newcastle City Council for four years. I have gained extensive experience in the field of housing law since completing the legal practice course in 2004.



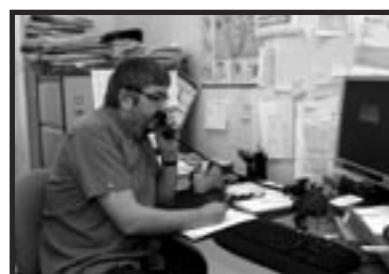
David

Frank McElduff; I completed the Legal Practice Course in June 2004 after gaining a law degree at Queens University Belfast. Since this time I have gained a wealth of practical legal experience. After a period at Browell Smith & Co Solicitors I commenced employment for Dawn Advice Ltd. At this Northumberland non for profit based advice agency I gained experience in housing, welfare benefits, debt and specialised in employment law becoming an assistant supervisor.



Frank

George Vickers; I am a solicitor with eight years experience representing asylum seekers and others with immigration problems. I previously worked for Beecham, Peacock Solicitors. Just over a year ago, I was appointed the Manager of the Law Centre.



George

Clare Hurst; Since graduating in 2001 with an LLB (Hons) Exempting degree I have specialised in the field of asylum and immigration and became a fully qualified solicitor over three years ago. I have extensive advocacy experience and have represented clients at all levels of the asylum and immigration appeals process. I have also provided lectures on Immigration Law to Northumbria University social work students on several occasions.



Clare

Katy Fischer; I am the supervising solicitor. I have 10 years experience of working in both legal aid and private firms including Ben Hoare Bell and Browell Smith & Company. I have worked with a diverse range of clients from coal miners to asylum seekers in areas such as housing, welfare benefits, family, crime, chronic bronchitis claims and has specialised in asylum and immigration. Having worked at the Law Centre since April 2008 I am relatively new to the not for profit sector and find it enlightening, challenging and rewarding.



Katy

Alex Bell; I have more than a decade of experience in Asylum Immigration and Nationality Law. I am very committed to my clients in providing frank and honest advice and always serving in the client's best interest. I started working for the Law Centre in July 2007 and work one day per week.



Alex

Vimbai Chasi; I am a qualified lawyer of seven years experience. I qualified in Zimbabwe where I worked as a human rights lawyer before relocating to the UK. I had three years experience of community development work in the UK before I became registered as a solicitor. I have worked in immigration law, housing law and am currently specialising in discrimination law.



Vimbai

## Volunteers

Zahraa Abadi - helps out most Thursday mornings with our immigration drop in session.

Matthew Holbrook - has been helping with our administrative work, but will soon be leaving us to go to mid Wales to follow his dream of running an organic farm.

Alison Russell - is a great help with our immigration work.

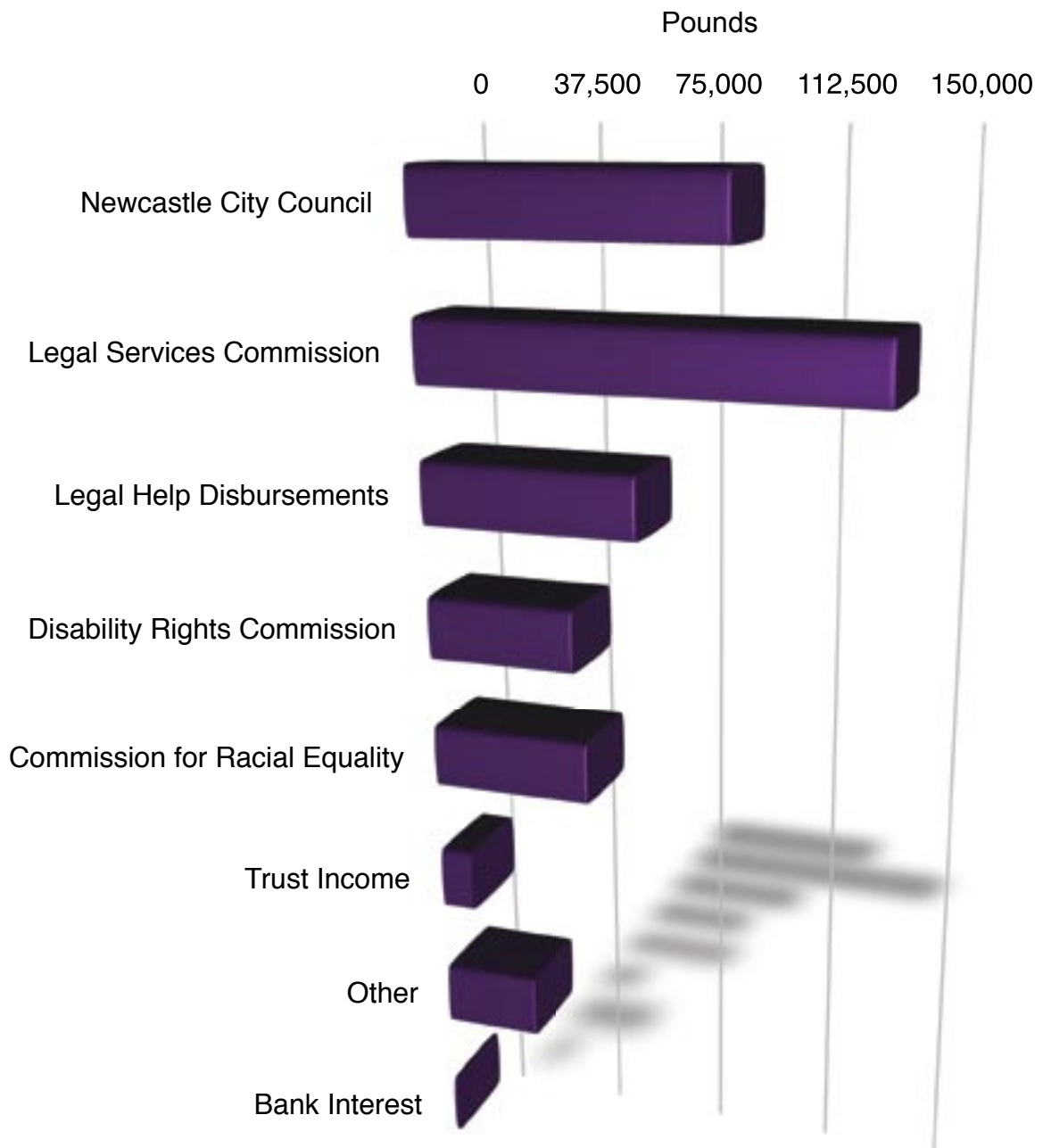
Pierre Kirk - is working with our immigration team.

Sofia Salejeva - has been helping with the discrimination work.



Law Centre

**Income for Newcastle Law Centre 1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008**



**Total 436,944**

# Management Committee

from 1st April 2007 until 31 March 2008

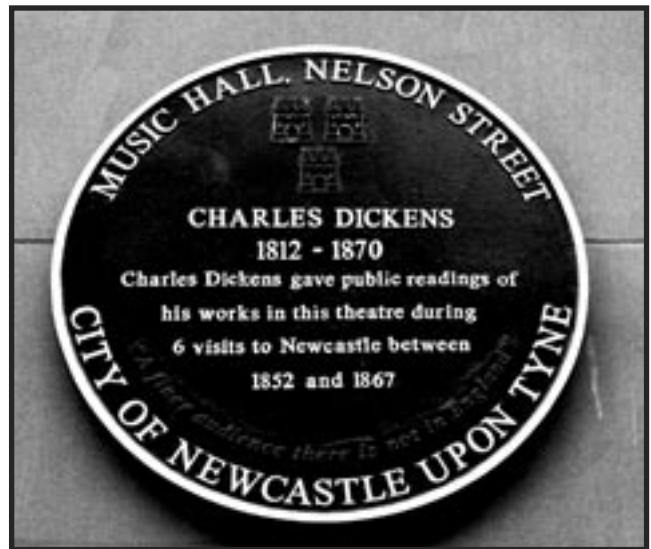
Chair	Margaret Levy (Unison)
Vice chair	Alison Whalley
Secretary and Treasurer	Sean McDonnell (Newcastle Trades Council)
Other members	Pat Buttle – until February 08 Lynda Hann Keith Patten (GMB/APEX) Newcastle Gen Branch) Councillor Ayaz Siddique Councillor Bill Shepherd – resigned July 07 Councillor Nigel Todd – resigned February 08 Tessa Gray Karen Harrison

Newcastle Law Centre is a membership organisation. We currently have 35 individuals and organisational members who are committed to the aims of the Law Centre. If you would like to become a member of the Law Centre please contact us for a membership form.

## Funded by

Newcastle Law Centre would like to thank the following for their financial assistance and support.





# Legal Advice and Representation

The Law Centre provides free legal advice and representation to people living, working or studying in Newcastle who are on low incomes. The priority areas of work of the Law Centre reflect the needs of the users, and our policy to work against discrimination. We specialise in immigration, housing, employment, welfare rights, discrimination law and public law.

## Open Door Advice Sessions

(no appointment needed)

### Discrimination Law Advice

Monday 10 - 12 noon

### Immigration Advice

Thursday 10 - 12 noon

## Telephone Advice Sessions

(telephone 0191 261 7016)

### Discrimination Law Advice

Monday 4pm - 5pm

### General Advice

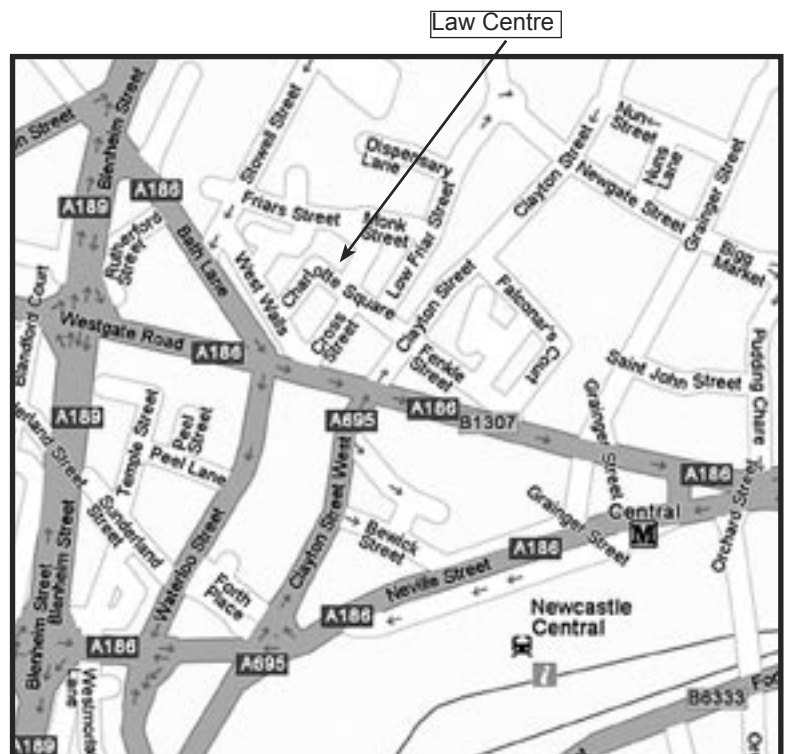
Thursday 1pm - 4pm

## Specialist Appointments

Telephone 0191 230 4777 from Monday to Friday, 9am to 5pm

## How to find us

The Law Centre is in the centre of Newcastle in Charlotte Square, very near to Clayton Street and Westgate Road. We are three minutes walk from the Central Railway Station and from the Metro. Most major bus routes pass close by.



## Access

Our premises are on the first floor and access for people with disabilities is limited. We make alternative arrangements including home visits for people unable to access the Law Centre. We provide interpreters and signers where required.

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