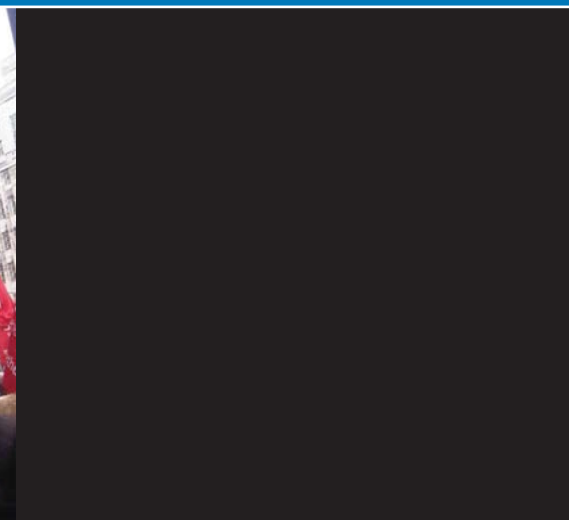
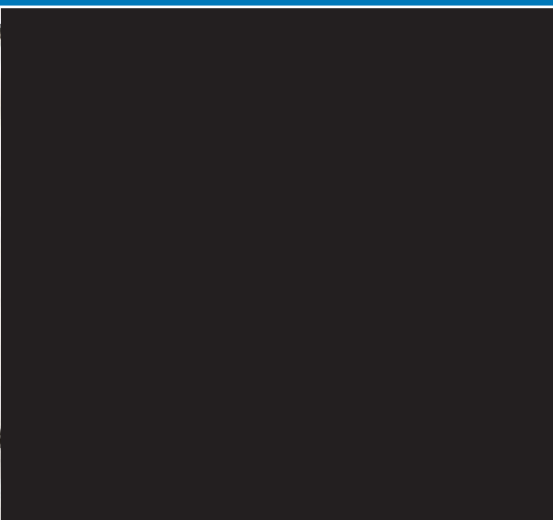


hackney community law centre

Annual Report 2011



Legal Action for the Community

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chair's *introduction*

As you can see from the manager's report, the Centre has at last got itself back onto a reasonable footing - only to be wrong footed by the present Government's attack on the poor and vulnerable. We face a terrible situation with the prospect of losing not just the Law Centre but the availability of legal aid in Hackney, one of the most deprived boroughs in the UK. As Matt says – "without a Law Centre, many of our clients would have had nowhere to turn."

I cannot over stress the importance to a democratic society of being able to care for its most vulnerable and weak people. Without that, we have become a very selfish and uncaring place, intent only on its own greed with the law only available to the wealthy. This would be a huge retrograde step back into the dark past. Support, both financial and practical, from our local community has never been more critical. It is for this reason that we are setting up a group of Friends of Hackney Community Law Centre, who we hope can give support in various ways, but particularly with donations.

This year we have gained a great new team who are dedicated and enthusiastic. All have mentionable qualities but I do have to say that Nat Mathews continues to be a great support and stalwart of the Centre as he has done for many years, as senior solicitor and one of the best housing lawyers in the

country. Nat is a classic example of the wonderful people we have in the community sector in Hackney who sacrificially dedicate their lives to the well-being of the community. We have gained a new website, which is clearly laid out and well designed, thanks to Dennis Rudd at Kavita Graphics for providing this service for free! We produced an annual report which for the first time was available electronically as we sought to save printing costs.

The team have been poorly resourced in the past, relying on hand me down books from city firms. This year we are grateful for grants from Hackney Parochial Charities to help us buy up-to-date law books – and West Hackney Parochial Charities funded us to get new external signage for the Centre to encourage walk-in accessibility and to fund a new leaflet.

The donation of almost new computer kit from Crossrail Ltd meant that every desk now has an up to date flat screen monitor and processor. We want the team to feel valued and cared for – and their work environment and the tools they use are an important part of their being able to do the best job for our clients. Funding from the National Lottery helped to fund and update our computer software as well as to fund digital dictation machines. We have cleared a back log of files and papers, and back billing which accumulated over a long period of

time. We now use new computer software to track and monitor all our cases, enabling target setting and performance monitoring, 21st century style. Hackney Council has continued to give support this year with direct grant funding and helpful advice. We have joined a working party with others providing advice in Hackney. I would like to thank Sue Gooding and Marie Leatham at Team Hackney for all their expert help. We also have funding from London Councils for which we are grateful.

The Management Committee this year has shown a positive interest and continued support and guidance for the Centre for which I am grateful. The Law Centres Federation (LCF) have also given us welcome advice and encouragement, and a grant towards finding and employing a full-time manager. The Legal Services Commission which funds legal aid have also been helpful and understanding of our earlier financial crisis, helping us to ease out of it.

Finally I would like to thank Matt Howgate on behalf of all of us. Without his firm and expert guidance, and encyclopaedic knowledge of the current world of the lawyer, our ship would have sunk long ago! Hackney owes a debt to him.

Ian Rathbone
Chair, Management Committee



manager's *report*



When I started at the Law Centre in April 2009, all but 4 of the legal advisers had left or given notice to leave. We had massive funding problems and antiquated and unsustainable systems. For a while there it seemed that Hackney would lose its Law Centre. To say that the last 12 months have been tough would be an understatement.

However it's at times of crisis that people really show their mettle. Through the hard work and commitment of the team here, and with the support of our board of trustees and funders, we have been able to raise the Centre from the ashes. We now have 11 legal advisers, a full volunteer programme, new computers and software and new systems and processes which are helping us to help even more people. Our website has been re-launched and we are now have new leaflets and posters to advertise our service.

We are opening well over 100 new cases every month and have managed to secure a significantly larger legal aid contract, which may require us to take on even more advisers so as to help even more people. I would like to thank the Centre's team for all their hard work, persistence and flexibility with all the changes needed to help us meet our performance targets.

Unfortunately the Centre's finances are still incredibly fragile, which is partly due to the wider economic climate. There are still months where we just about manage to pay the salaries – and sadly it looks like things are going to get a lot tougher.

It seems that much of our current funding may be cut – at a time when it has never been more important for Hackney to have a strong and active Law Centre. We are in the process of continuing to review costs to see what we can save and to plan for how we can raise the funds we will need to survive and to keep delivering services to the diverse communities of Hackney. I can honestly say that without a law centre, many of our clients would have had nowhere to turn.

Support, both financial and practical, from our local community has never been more critical. It is for this reason that we are setting up a group of Friends of Hackney Law Centre. Friends who can offer us support and encouragement and, perhaps every so often, a small donation too. Please see our website – www.hclc.org.uk for more information.

Matthew Howgate
Manager



debt advice *project*

The Debt Project is a one day weekly advice session in each of the neighbourhood offices across the borough. The project offers debt advice and assistance to tenants of Hackney Council across the borough. An experienced specialist Debt Adviser is employed to provide independent, impartial and confidential face to face Debt advice.

The project offers Case work on debt and welfare rights to the diverse community of Hackney Homes tenants. The project also involves sign posting and actively referring clients to other sources of advice on other subject matters. The project aims to empower clients such that they will be able to handle issues of recurrent indebtedness and also deal with similar situations in the future by themselves.

Services & Reports

Establishing a need for Debt advice

The financial exclusion faced by tenants on low income bracket in a borough like Hackney, particularly in an austere and recession time like this require sustainable solutions. The project has recorded successful outcomes for both Hackney Homes and Tenants.

As evident from experience in the last four years, majority of households with Rent arrears also have other debts. The most common scenario is that people get caught in a debt spiral, leading to further indebtedness as the gap between income and expenditure increases every month, with the shortfall being made up from further borrowing from loan sharks who apply extortionate charges on their loans.

Many tenants are excluded from accessing mainstream financial services because of limited financial capability and low income. Often this will mean relying on high cost credit and having no capacity to build up savings for the future.

Without access to banking services tenants are unable to benefit from reasonable bank credit schemes and may be using expensive cashing companies. Borrowing from high-cost loan companies puts further pressure on an already stretched budget as repayments can represent a high proportion of weekly income. People in this situation find themselves in an unfamiliar and threatening world. Their usual action is to continue making payments on loans and credit cards but allow themselves to fall into arrears with rent, Council Tax. and utilities bills

Debt and financial exclusion

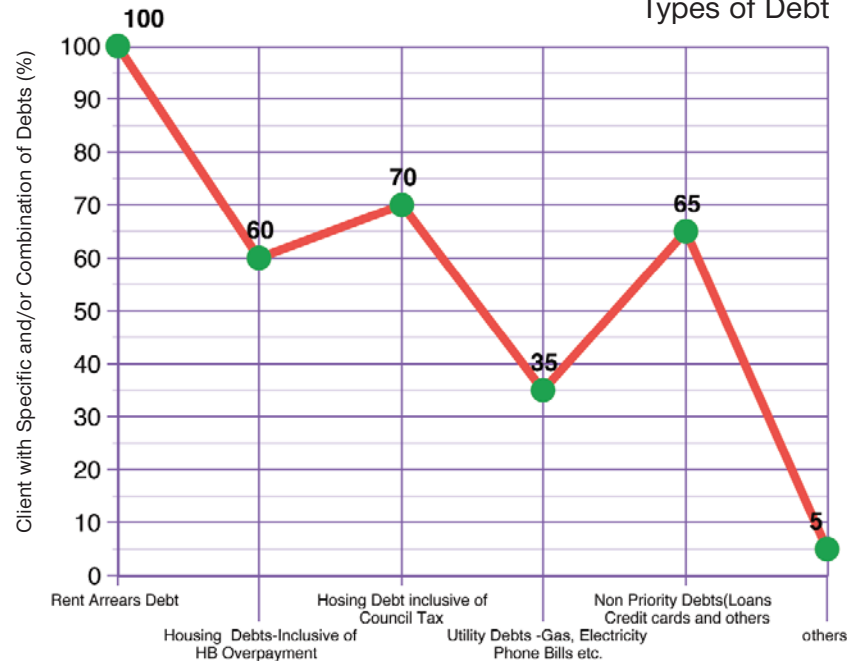
By getting involved with the tenants the debt adviser helps tenants claim all the Benefits they are entitled to, thereby ensuring that the arrears problem gets no worse. The debt adviser also helps tenants apply for backdated benefit, which sometimes clear the arrears. Usually, tenants with rent arrears have other debts. The project can help prioritise these and ensure that tenants prioritise expenditure and that the most important bills, including rent, get paid.

The project also helps in maximising tenants' income and negotiating affordable payment arrangements on priority debts such as Council Tax. We also negotiate other matters such as Utilities and reduced repayments on non-priority debts. The project has recorded tremendous success in helping people prioritise their debts and maintain a working budget. This means that any disposable income – the housing debt being the main priority.

The project has also extended its service to support tenants in obtaining grants from grant-giving bodies for their energy debts.



Types of Debt



The project adopts an integrated and comprehensive approach to data collection and case recording using the good practise procedure. Data collection forms a significant part of the monitoring reports.

Projection

It is hoped that the project will continued to be funded by Hackney Homes

Maintaining funding for the debt project will ensure that it continues to benefit Hackney council tenants in respect of a range of debt issues such rent arrears, council tax, service charges, benefit (all welfare benefits) advice and a range of other issues important to the well being of Hackney tenants. Hackney Homes will continued to improve its rental revenue. The project will make a positive social impact in continuing to assist in improving the rating of Hackney council with regards Housing delivery.

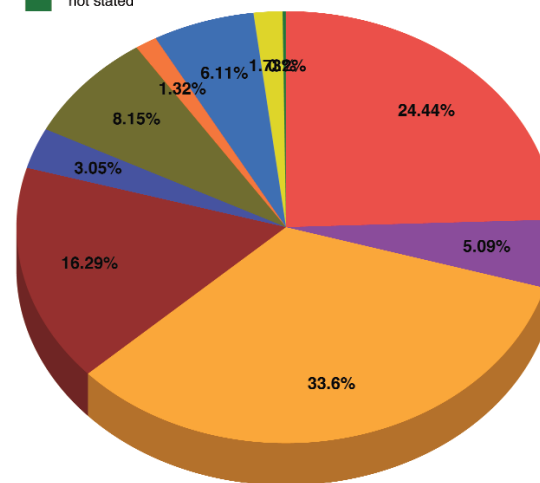
Case Studies

Case Study 1 – 'Alima'

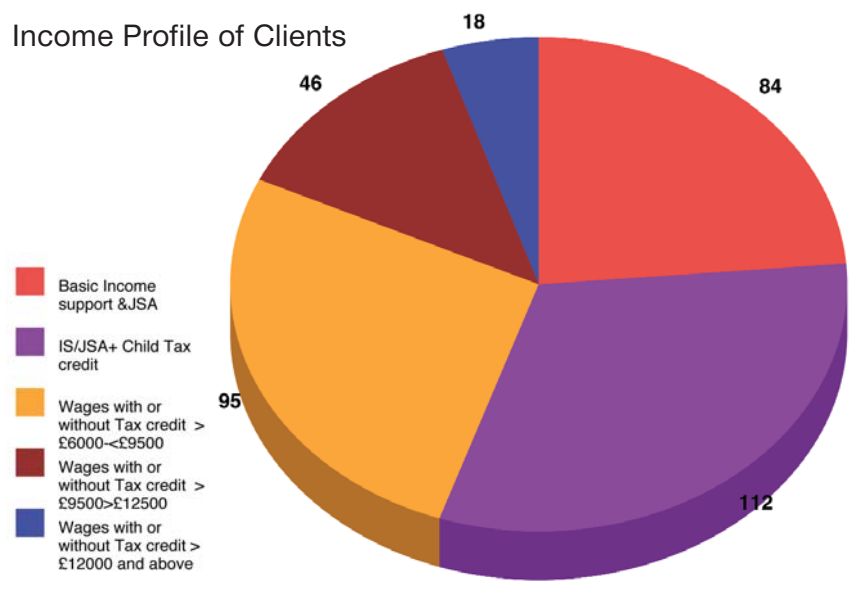
18 year old 'Alima', is an introductory tenant. Her rent arrears had risen to over £1200. She is a single mother of a one-year-old child. She was in receipt of Child Tax Credit payments, however this had caused significant problems with her Housing benefit claim.

These problems had begun after an initial period of HB payment. 'Alima' was not able to provide requested information to HB office about her HB claim due to her poor health

Ethnicity Profile of Clients



Income Profile of Clients



condition, and therefore her benefits had been suspended. 'Alima' does not have any form of support, being estranged from her parents and relations - therefore having no one to fall back on.

An appeal was quickly launched on 'Alima's' behalf for a review of the HB decision which caused a 4 month gap in her claim. The Inland Revenue was also contacted with regards to the resulting problems with her Child Tax Credit. Within weeks a lump sum of £750 was paid to 'Alima' by the Inland Revenue and the Housing Benefit decision was reversed in her favour with a total backdated sum of £890.00 paid into her rent account.

Case Study 2 – 'James'

'James', a non-English speaking tenant, stopped working as a result of health problems. He had claimed IB, but had encountered further difficulties due to insufficient NINO savings. For many months he had not received any form of payment from the DWP. As a result, his rent arrears had risen to £2385.90. He lived by borrowing from friends and family.

He also had several other bills that demanded urgent attention. He was very stressed and depressed when he was

referred to the project. He had been in this situation for over 6 months.

We assisted 'James' to process his income support claim and, as a result, he was paid a lump sum of over £1000 within 2 weeks. Backdated housing benefit was also paid. A convenient repayment plan was drawn up for 'James' which his 5 other creditors accepted. James now applies himself to his budget sheet on monthly basis. His rent account is now in credit.

Case Study 3

Ms 'Palette' is a single parent in part time employment with one dependant and one non-dependant child. Her rent arrears were over £2500 when she was first seen at the neighbourhood office in May. In addition to this she had HB overpayment debt, council tax arrears, and non- priority debts.

She was assisted with an appeal regarding the overpayment and the non-dependant deduction. This deduction was at the highest level – £47.75. The deduction was stopped. Her arrears were drastically reduced and Council Tax was awarded. The Housing Benefit department paid a lump sum of £1360.

Feedback

'The Quality of Service I got from you is exceptional not just because you won the HB appeal for me but because you were thorough and meticulous in handling the matter.

Thank you very much'

Ms 'Pv', Shoreditch Neighbourhood office.

'The service I received was excellent and I would definitely recommend the service to anyone who found themselves in my position. I couldn't have done it without your help. Thank you'

Mr 'T', Queensbridge Neighbourhood office

'I found the Debt Adviser very easy to talk to. I rarely feel comfortable talking about my several debts, which you have helped me to negotiate. I can now sleep without worries'

Ms 'A', Homerton Neighbourhood office

'Thank you for helping me to get housing benefit to pay £1879.50. As an introductory tenant, If not for your assistance I could have been on the street with my family.

Mr. Hope Thank you'

Mr 'P', Stamford Hill Neighbourhood office

Apart from these, there are regular compliments from Tenants appreciating and acknowledging the tremendous benefits they obtain using the Project.

housing law *report*



The recent *Spending Review* represents a potential nightmare for working people in Hackney and their fight for affordable housing. The recent announcement that housing benefit regulations will be amended to restrict to paying for a room rather than a flat for people between 25 and 35 years came as a spiteful extra twist.

The previously trailed proposals to cap housing benefits payments were already estimated by London councils to mean that around 82,000 families - over 200,000 people - would be forced to move from their communities and homes in London. It has been reported that London councils have already block-booked bed and breakfasts and other private accommodation in places as far away as Hastings and Luton.

Research by the housing charity Shelter shows that, already, nearly half of recipients of Local Housing Allowance have to make up a shortfall of almost £100 a week - a situation created by the changes made to the benefits system under the previous Government.

The arguments used to defend the housing benefit cuts are based on targeting people who choose unemployment as a 'lifestyle choice'. Young people leaving school or college and unable to find work are making no such choice, nor are public sector

workers made redundant as other services are cut. But in fact these cuts will hit pensioners, disabled people and low paid workers; it is not just the unemployed who will suffer.

The plans to amend regulations to reduce by 10% housing benefit for those who had been on Jobseekers allowance for 12 months is atrocious and something HCLC will fight. The assumption in all these measures is that there are jobs out there that pay a wage that people can live on whilst paying their bills. Sadly, in our experience that is not the case. Many jobs are low paid, and for short terms.

Nationally there are 24 local authorities in high cost areas - Hackney being one of them - where 40% or more of those affected by housing benefit changes are in work. Across London one-third of those that will be affected are working. Since November 2008 the number of working people in receipt of housing benefit has increased by 235,000, mainly as hours have been cut back and as more families have to rely on just one pay packet. So these cuts will hit precisely those 'hardworking families' that the spending review claims to help.

Our concern, stemming from the proposals is that social housing (council housing and housing associations) will no longer offer even the remote prospect of a secure alternative.

The budget for social housing is to be halved, new tenants will no longer get secure tenancies (as we understand them today), and it is proposed that rents will now be around 80% of market levels. This is despite the pledge from the Coalition partners during the election not to attack security of tenure.

Some of the big housing associations have welcomed these changes (presumably giving them the opportunity to take another step towards becoming straight commercial outfits), but a recent survey by the Chartered Institute of Housing shows that 78% of housing associations were expecting an increase in arrears as a result of the cuts.

The report shows that 54% of landlords are predicting an increase in the number of evictions due to 'spiralling arrears'.

Such is the fallout from these proposals that even Boris Johnson has called for "transitional" measures to cushion the impact. Even Barnet council (apparently a flagship council) has written to the government expressing concern at the effects, despite the fact that they initially welcomed the proposals.

We are concerned at the impact of these cuts and we will play our role in continuing to defend tenants, leaseholders, and householders from possession and evictions.

The last year marked a surge in claims by landlords trying to evict. Coupled with cuts in Housing Benefits, Hackney could be unaffordable for poor people. We think there is always an argument to say otherwise.

Case Studies

Case Study 1

Amy was only married for a year when her husband dropped dead of a heart attack. Six months later she was evicted while she was visiting the Council to ask for housing advice. The eviction seemed perfectly legal, but the Council had not followed its own policy.

After we argued European Law at Court, the Judge agreed that she could consider whether the case was fair, and the Council agreed to reconsider its decision. Amy was offered a new tenancy.

Amy has paid off her husband's Council Tax debts from her Bereavement Allowance, even though legally she is not obliged to. She is studying at a community college and she wants to be a nurse. Hackney needs more nurses.

Case study 2:

Arthur worked for 25 years as a dispatch rider, getting up at 3am and working long cold hours. He often worked for bankers and lawyers. He bought his house with help from his family, then borrowed off a sub-prime lender that charged 10% interest rates so he could pay his family back.

Arthur had a heart attack and had to give up work. Even though the Bank of England lending rate was 0.5% the lender was legally allowed to charge 20 times as much. Arthur and his disabled sister were forced to put their home on the market, but the Judge gave him time to sell, and in the meantime we assisted him in getting benefits because of his disability.

One of the largest cost for anybody is housing, when you are living in London and short of money. The Housing Team will focus on people who are on the point of eviction, and try to find solutions with partners to stop the unfairness of people losing their home unnecessarily.

Some facts and figures from the HCLC social welfare law team

- Housing budget slashed by nearly 50% from £8.4 billion to £4.4 billion over next four years. Housing Benefit (HB) will be cut by £2.5 billion.
- Rents for social housing will be increased up to 80% of the market rate.
- The HB bill has grown because rents rose by 63% between 1997 and 2008.
- In high rent areas new tenants moving into, for example, three-bedroom social housing will have to earn £54,000 to get off HB and be better off in work according to the National Housing Federation.
- A study by Cambridge University, commissioned by the housing charity Shelter, found that rent on most two bedroom properties in London would exceed the government's new HB cap.
- Inner London councils are block-booking bed and breakfast accommodation outside the capital to house tens of thousands of low income families forced to move - as far away as Hastings - because of the HB cap.
- Westminster council has lobbied the government to reduce its obligation to support families made homeless through the HB cap.
- Contrary to widespread media reports only 22% of HB claimants receive Jobseekers Allowance (JSA). The majority of claimants are low paid workers, pensioners and people with disabilities.
- An estimated 202,000 people are at risk of becoming homeless as a result of the 10% cut in HB for those on JSA for over 12 months.
- According to the Trades Union Congress, 49% of private renters and 66% of people renting social housing will face financial difficulties through a cut in HB.
- Chancellor George Osborne's additional £7 billion cut in welfare payments announced in October's spending review is equivalent to the sum which financial dealers in the City of London will get in a bonus pot this year.

immigration law *report*

The Immigration Unit

Having come close to collapse in 2008-2009, the Immigration team has continued its pattern of steady growth from last year when two new members of staff Hilton von Herbert and Maggie Crowley joined the team. The immigration team now includes Maggie and Hilton as full-time members of staff and Yvonne Stevens as a part-time member of staff. Demand in immigration work has been so high that we have had to take on another caseworker, Chorouk El-Adib, who is also employed part-time.

The team is versatile with its members boasting a variety of areas of specialism and expertise in immigration and nationality law which includes Asylum and EEA cases with particular interests in Trafficking, Domestic Violence, Over stayer and Judicial Review matters.

Our Work

We have continued this year to provide free, high-quality legal advice and assistance and representation to our users in immigration, nationality and asylum law, usually the most vulnerable, underprivileged and socially disadvantaged clients in the community. This year we introduced a specialist immigration and asylum telephone advice

line. We have also set up a fortnightly Drop-In advice service here at the Centre and this service is proving very popular with clients who are seeking either one-off face to face advice or full representation.

Our Growth and Community Links

The team has forged and maintained links with external organisations such as the Hackney Migrant Centre (HMC) and the Hackney Information & Advice Consortium (HIAC) which we work closely with to ensure as wide a provision of specialist immigration advice services as possible.

Other successes of the team during the year include the award of an Immigration Contract by the Legal Services Commission to carry on providing Immigration advice under the LSC Contract. This Contract is guaranteed until 2013. In the year under review, the team has also successfully registered with the Office of the Immigration Services Commissioner (OISC).

The HCLC Immigration team is fully committed to ensuring its future growth and provision of a high quality standard of service to the community. Future plans for the team include an expansion of our training provision in immigration and asylum law to other external agencies such as the Asylum Team of the Local Council, Hackney Migrant

Centre and to advocates and Support Workers working in various Refuges providing assistance to victims of Domestic Violence. The team anticipates the successful re-accreditation of all its advisers and is very excited and optimistic about its future provision of specialist advice to the community in the coming year.

Case Studies

1 JO (Uganda) v SSHD [2010] EWCA Civ 10 - Update

In our last annual report the case of JO was dismissed by the Court of Appeal and permission to appeal to the Supreme Court denied. JO was removed from the UK to Uganda on the 25th June 2010 not having been there for the last 24 years (having arrived in the UK aged 4). Upon arrival, JO was refused entry by Ugandan Immigration Control because they did not accept the documents presented for JO, which were 25 years out of date. JO could not tell them to what tribe or clan he belonged. Additionally, there was no file or reference for him in Uganda and, in the view of the Ugandan authorities, he was British. The Ugandan Authorities denied him entry providing a notice to return prohibited immigrant. JO arrived back in the UK and was sent straight into immigration detention. The Law Centre has made an application to the European



Court of Human Rights on JO's behalf and it will take possibly three to four years for a decision to be handed down.

In the meantime bail was applied and granted for JO with conditions imposed. JO is currently residing with family and complying with bail. We are waiting for the decision from the European Court as to whether the UK Government has breached JO's Human Rights under Article 8 of The European Convention.

Whilst waiting for the decision to be handed down, there is the real possibility that the Secretary of State will attempt to remove JO again. If this happens JO will be back in Uganda where he has not been since he was 4 years of age with no family or relatives since all relatives and family are in the UK.

Successful cases

2. Mrs X, who had indefinite leave to remain in the UK, wanted to sponsor her husband and son to join her in the UK for settlement. She had spent many years as a domestic worker going back to her country of origin to spend her annual holidays with her husband and son and sending regular money back to them to support them. The Entry Clearance section in her country of origin refused the application of her husband and son for entry to the UK to join Mrs X for settlement,

because they doubted the validity of her marriage based upon a late registration of the marriage.

HCLC instructed a legal expert to give a written opinion on the validity of the marriage of Mrs X, with permission from the Legal Services Commission to fund the cost of the expert report. HCLC then represented her in the appeal at the First Tier of the Immigration and Asylum Chamber before an Immigration Judge.

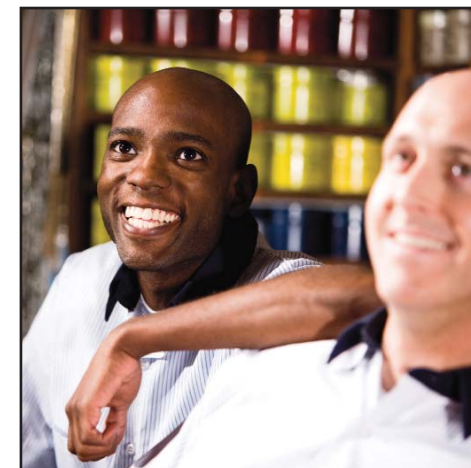
The Immigration Judge allowed both appeals and Mr X and his son were granted leave to enter the UK for settlement to join Mrs X after many years apart. They are now reunited as a family.

3. Ms A was a victim of domestic violence who applied for leave to remain in the UK under the immigration rules as a victim of domestic violence. She came to HCLC to appeal the refusal by the UK Border Agency to grant her indefinite leave to remain under the domestic violence policy. HCLC prepared her appeal and represented her at her appeal hearing before an Immigration Judge at the First Tier of the Immigration and Asylum Chamber. Her appeal was allowed by the Immigration Judge with no further challenge by the UKBA. Mrs A was granted indefinite leave to remain in the UK as a result of her successful appeal.

4. Ms Y was a victim of trafficking into domestic servitude. She was brought into the UK as a child expecting to attend school. However, she was held into domestic servitude as a child, for several years without pay or education. She eventually managed to escape her captors. She made a claim to the UK Border Agency for protection.

The UKBA rejected her claim and HCLC challenged their decision by way of Judicial Review to the High Court. UKBA agreed to reconsider the decision and issued Ms Y with a decision that there were conclusive grounds for believing she was a victim of trafficking into domestic servitude in the UK.

5. Ms Z claimed asylum as a victim of trafficking into domestic servitude in the UK. She was brought into the UK as a child expecting to attend school. However, she was held into domestic servitude as a child, for several years without pay or education. She eventually managed to escape her captors. Her claim for asylum was refused by UKBA. HCLC prepared Ms Z's appeal of the UKBA decision before an Immigration Judge at the First Tier of the Immigration and Asylum Chamber and her appeal was allowed by the Immigration Judge with no further challenge by the UKBA. Ms Z was granted refugee status in the UK as a victim of trafficking into domestic servitude as a child.



migrant support *forum*



Staff from Hackney Law Centre continue to support Hackney Migrant Centre by providing legal advisors experienced in immigration, housing and benefit matters at their weekly drop-in sessions.

Hackney Migrant Centre has just completed a highly successful second year, which saw the numbers attending the Wednesday drop-in session double to over 50 a week.

Together with Praxis, and, until it's untimely demise Refugee and Migrant Justice, four Law Centre staff take turns to see up to 10 clients a session. We give one off advice, refer clients elsewhere, and take on the more complex cases, often with successful results.

For example, in early 2010 we persuaded the London Borough of Haringey to accept a re-housing duty to an Ethiopian pensioner with indefinite leave to remain. He was granted family reunion to be joined by his wife and 2 dependent sons in the UK. On arrival, they were all living in a small room he occupied in

a shared house. Haringey initially refused to provide the family with alternative accommodation, but after receiving representations from the Law Centre they provided them with suitable accommodation in a 3 bedroom house.

We have provided training in immigration law to Migrant Centre volunteers and often take along our interns to the sessions, so they can help with form-filling and taste the delicious lunches provided by the Centre.



welfare rights *report*

"Fortunes in Britain are soaring as the world recovers from the 2008-09 crash. Stock Markets are up, the banks are back from the brink, and economic confidence is blossoming. As a result, the collective wealth of the 1,000 multimillionaires has climbed to £335.5 billion, up by £77.265 billion on 2009. This is a 29.9% increase, easily the biggest annual rise in the 22 years of the Rich List."
The Sunday Times Rich List 2010

"An extra £7bn is to be cut from Britain's annual £200bn welfare budget... the Chancellor outlined a series of cuts to disability payments, child tax credits and housing benefits that will take the overall cuts to the welfare bill to £18bn by 2014-15. The chancellor, who announced £11bn in welfare cuts in his emergency budget in June, said over the summer that he hoped to soften the blow on other public services by finding further reductions in the spending review."
The Guardian, 20th October 2010

Attacks on the working people claiming benefits!

Whilst it is often been said that "We are all in this together" it is now quite startling the massive shift of wealth from the poorest to the richest. To add insult to injury the poorest are then blamed for the crisis in the economy, notwithstanding the fact that in the popular consciousness the banks, insurance sector, and the finance industry of the City of London alongside their cohorts globally are in fact responsible.

As part of the recent *Spending Review* the Government has also announced that 490,000 public sector jobs will be go. Many of these jobs will be in frontline services. So whilst the private sector failed, being bailed out by the taxpayer by billions, it is the public sector and the services that will have to pay.

Housing benefit caps!

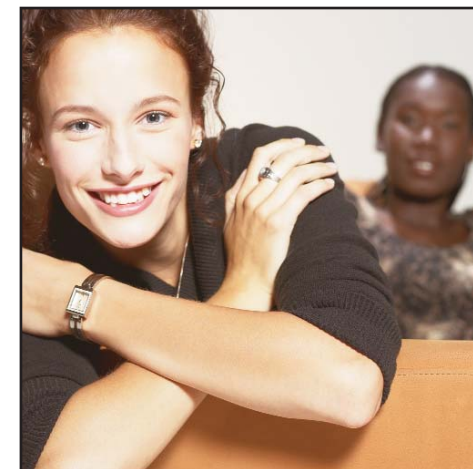
'NO-ONE should ever be worse off working than they would be on benefits'. This is the carefully chosen phrase repeated time and again by the current Con-Dem Government to justify welfare spending cuts. This sound bite, along with the other phrases being put forward by the Government, will no doubt have some resonance for individuals and families working long hours on low pay and struggling to pay the bills.

However, the latest wave of attacks on housing benefit (HB) is not designed to deliver 'fairness' but is an attempt to force ordinary working people into a spiral of lower paid jobs, economic insecurity, longer working hours and poor housing.

Since April 2008 the Local Housing Allowance (LHA) had replaced housing benefit for people renting from a private landlord. From October 2010, further regulations reduced LHA rates - on average by about £60 a week for a two bedroom flat in central London. However, the recent Government Spending Review dealt an even more devastating blow to families living on benefits in high rent areas. The maximum LHA for a two bedroom flat has now been set at a full £190 a week below the average cost of such properties in central London.

Even for those living in parts of outer London the gap is as high as £80 a week. For larger families needing three or four bedrooms the difference becomes astronomical, they will be expected to magic up £600 a month on top of their benefits to remain in central parts of the capital such as Westminster, and Hackney will not be much cheaper!

It will become impossible for working individuals or families who rely on benefits to top up their income to live in private rented accommodation in 70% of the capital.





Figures show that in central London boroughs only 7% of accommodation - undoubtedly the worst housing - will be affordable under the new benefit rates.

The newspapers have been full of stories about families in London receiving £40,000+ benefits but it's not the claimants who gain - it's the landlords who actually receive the money.

A recent client of the Law Centre was represented in court because of rent arrears. Over the past 2 years £30,000 worth of HB was paid to her landlord, but she had rent arrears as a result of temporary problems with payments - as a result she had rent arrears of £2,000. The landlord wanted possession, which may be right by law, but, given the same landlord had received £30,000 in payments is it, as a matter of justice, correct?

Taken on top of the plans to introduce new regulations to make council tenants pay 80% market threshold for rents in social housing these measures amount to social engineering and spell the end of social housing in the City over the next ten years. Even Boris Johnson was forced to admit that it amounted to "social cleansing". We stand for rent caps not benefit caps and a programme of affordable, decent house building.

Future welfare reforms

The proposals by the new Secretary of State for Works and Pensions, on the face of it, could be welcomed. A simpler benefits system that allows people going into work not being worse off than being on benefits seems fine. Who could oppose saving billions in welfare payments while getting people into work? Everyone agrees there must be tough sanctions to stop idlers and cheats. Who doesn't want to "reward work and support the vulnerable"? However, like many proposals, the devil is in the detail.

As we write this report there is a nagging sense that it's all a bit too good to be true. If it was that easy, why wouldn't the big - and equally tough - brains of previous Work and Pensions Secretaries, have done it?

Whilst the proposals outlined in the White Paper claim there will be "no losers" this covers the relatively small technical changes in the new Universal Credit: it has blanked out the effect of the colossal £18bn benefits cut. The real losers will be millions of low earners from their shrinking working tax credits, education maintenance allowance, child tax credit, disability payments, housing benefit, council tax benefit - and a whole string more. The devil in the detail is how could it be otherwise with such a monumental, unprecedented £18bn cut?

The tax and benefits system is complex, and it is a price paid for fairness. False promises of simplicity are easier said than done because people's lives and circumstances don't come in a one size fits all.

The gap between the proposals outlined in the recent White Paper on welfare reform and the reality is best exposed in claims for the new incentives to work. Whilst it is true that currently many claimants lose benefit when they started work, so what is the new startling reform? For the great majority, instead of keeping 30p for every extra pound earned they can now keep 35p. Is 5p a clincher? Is it worth £4 billion to introduce the new scheme - this report concludes - go back to the drawing board Iain Duncan Smith!

The work of the Social Welfare Law Team

We specialise in preparing submissions for clients to assist them present their case at first tier tribunals (FTT). We also have the knowledge and expertise to assist clients challenge decisions from the FTT to the Upper Tribunal.

Wherever possible we try to resolve clients' disputes without recourse to tribunals and are often able to persuade the Department for Work and Pensions, the Tax Credit Office

and Hackney Council to revise their decisions where we can show their original decision was flawed.

As well as helping to resolve particular problems which clients present with, we also use our knowledge and experience to diagnose and identify issues that the client was unaware of.

This can often lead to us helping people to successfully claim benefits they didn't know they were entitled to and in some cases to challenge decisions, which they had previously assumed were correct. This can go some way to alleviate the worst excesses of poverty.

Our Social Welfare Law team also specialise in bringing Judicial Review action for administrative delays and incompetence.

Much of our work in benefits is linked closely to our casework to prevent repossession of client's homes.

Pension Credit

We received a referral from Age Concern. It was a dispute about backdated Pension Credits. The Pensions Service accepted that they had made an error in calculating our client's husband's entitlement to Pension Credit.

The appeal was listed for hearing at the Tribunal. However we realised the Tribunal were unlikely to backdate the payments as the legislation did not allow for this. On our advice, the client got the appeal adjourned. We then contacted the Pensions Service and asked them to look at their decision again. They agreed to this and accepted that they could award the client, the full backdated amount. She was awarded £1,836.34.

Incapacity Benefit

A case referred to us by the Hackney Marsh Partnership saw us helping a widow who was suffering from chronic depression. She was contacted to attend a medical in January 2010 and failed to attend as she was very unwell. This left her on low income and without access to medication as she was not getting a passported benefit. Despite her own efforts and that of her GP to explain to the Department of Work & Pensions (DWP), she was not given another appointment to attend a medical assessment. The Law Centre got involved and assisted her with paper submissions to the Tribunal. The client won her case and was awarded backdated benefit.

Following further detailed representations to the DWP her incapacity benefit was backdated in full.

Disability Living Allowance

We assisted a young man referred by the Hackney Marsh Partnership. He suffers from grand mal epilepsy. He was turned down for Disability Living Allowance after a telephone call by the DWP which determined that his fits were not frequent enough for him to qualify. The Law Centre decided to assist him with his appeal. We obtained medical evidence which showed the high risk he was under when he had a seizure.

The Tribunal decided in his favour in December 2010. He was awarded both components of Disability Living Allowance and stands to get a backdated award of over £2,000.00 – a sum of money he very much needs now that he is a student.



telephone *advice line*

Following on from its initial success our telephone advice line now operates 5 mornings a week. From Monday to Thursday, 10.00 a.m.–1.00 p.m., a wide variety of calls are fielded. We have extended the service to a specialist immigration line on Fridays from 11.00 a.m.–1.00 p.m.

The need for the immigration specialist service grew out of the popularity of the generalist advice line. It was noticed that more and more callers had concerns in one way or another linked to immigration. A significant percentage of the callers were also 2nd tier organisations i.e. hospitals who wanted somewhere they could refer their clients to for a dedicated and quality immigration advice service.

We are very grateful to Hackney Council for funding this valuable service for the local community.

The demand for the telephone advice service has grown over the last twelve months. The Law Centre has been challenged to find ways of assisting as many people as possible and still maintain quality. To this end, we have expanded the service by introducing more trained volunteers - usually trainee lawyers - many of whom come from the local area.

The telephone service therefore has now firmly established itself as the first port of call for many people who find it convenient, confidential and an excellent first stop for finding out whether or not they actually have an issue to pursue.

With more time spent on training and support, both the Law Centre and the local community have benefited. To date we have been consistently surpassing the local authority's target of 30 hours (telephone advice) per month.

We remain part of the *Public Service Promise* (PSP) – a network of linked services in the borough that are designed to ensure that all users are given the most helpful advice and, if necessary, sign-posted to the service most relevant to their needs.

Realising its importance, the Law Centre has gone even further to ensure that the line operates every week day by having support staff on hand as essential back up.

We remain hopeful that this is one of the services that will survive the local authority's coming expenditure cuts.



youth homelessness *project*

Young people face a disproportionate risk of homelessness compared to their elders. Young homeless people who have grown up in households with low incomes and family difficulties face even greater disadvantage. Some young homeless people face extremely difficult economic and social circumstances, including, for example, a history of abuse; problems with alcohol and drugs; having a criminal record; health problems; severe poverty and chaotic lifestyles.

UK homelessness legislation initially excluded many young people without children from the categories prioritised for housing, unless they were deemed to be 'vulnerable' and in priority need. Young people also faced disadvantage in the social security system, as their entitlement to benefit is lower than for older age groups. Similarly, if working, they are likely to be on relatively low incomes at the start of their careers.

Consequently, young people can find it very difficult to find a pathway out of homelessness without some assistance with housing and support from their local council.

In England, the expansion of the homelessness safety net was achieved through the Homelessness Act 2002 which

included a mandatory extension of 'priority need' to 16 to 17 year olds, and care leavers considered vulnerable because of their care. Although this has had a positive impact, in parts of London, councils are still not prioritising all young people in these groups, despite the requirements of the legislation.

There are significant numbers of homeless young people who are still not accepted by councils as being in 'priority need' and are therefore not provided with temporary accommodation.

Hackney Community Law Centre has been working in partnership with London Councils to provide young people with legal advice including preventative action, assisting young people in crisis to access suitable accommodation and support and enabling them to get on with their lives.

The Project's aim is to make sure that every young person in London has access to the legal advice they need. Young people will only access advice in places where they feel comfortable and therefore whilst many young people need legal advice, they don't access it through the mainstream adult service.

Our outreach service at Face2Face is part of a youth advice project in Waltham Forest which also provides counselling and sexual

health advice to young people (usually aged between 16 and 21). The outreach service is within a comfortable setting open to any young person.

We have provided legal advice and assistance in the five areas of social welfare in which we work but primarily we help young people who have found themselves without a home or statutorily homeless due to personal circumstances such as relationship breakdown, abuse or neglect.

We are able to offer confidential legal advice to help them understand their rights as well as practical information with regards to issues that can arise with homelessness, such as access to welfare benefits.

We also train professionals working with young people in identifying legal issues and establishing good referral networks.

Given the importance and success of the Youth Homelessness Project, Hackney Community Law Centre will team up with Connexions services in Hackney, youth information advice and counselling agencies and colleges to offer the same services within the Borough.

Case Study

A 19 year old with mental health problems came to seek advice regarding his housing situation. He was without a fixed abode for over 18 months and was unsuccessful in finding anyone who could help.

He had lived with his father. This was until his 16th birthday, when the father had abandoned the property, leaving him to fend for himself.

Unfortunately, the property was repossessed by the council and the client was left street homeless. As a result, his physical and mental health deteriorated and he survived living and sleeping rough.

Despite several attempts Waltham Forest Council was not prepared to assist him as a homeless and vulnerable young person. Our client appealed the Council's decision and, following our intervention and threat of a judicial review, the local council had to accept an initial duty towards him and freshly consider his application. He is currently in temporary accommodation pending the outcome of his homelessness application which is being assessed by Waltham Forest Council.



finance *report*

2009-2010 proved to be a very difficult year for the Centre. Coming close to collapse in March 2009, the Management Committee brought in external management consultancy and much of 2009 and the early half of 2010 was spent stabilising the Centre. Sadly a number of key staff also left, significantly reducing the Centre's capacity to generate legal aid matter starts and thus legal aid income. On top of this we discovered erroneous legal aid claiming which led to our having to pay the LSC back over £50,000 – by working without payment so that they could credit our claims against the debt owing. Thankfully, that debt was cleared by mid-2010.

Our overall income for 2009-2010 was £452,119 of which £194,295 was generated under our contract with the Legal Services Commission. The balance came from Hackney Council, grants and other funders. We would like to express our sincere thanks to the following funders, without whom our work here at the Centre would not have been possible:

- Hackney Council
- Hackney Homes
- London Councils
- The London Legal Support Trust
- The Big Lottery Fund
- The Hackney Parochial Charity
- The West Hackney Parochial Charity
- Garden Court Chambers
- Hardwicke Chambers
- Faegre & Benson
- Lessons in Law Ltd

Our expenditure for 2009-2010 was, as always, dominated by staffing and salary costs. Hackney Community Law Centre employs the very highest calibre of staff to ensure that the diverse communities of Hackney obtain the best quality service possible. Our staff costs this year amounted to £301,120 with our premises and other running costs amounting to £23,001 and £80,337 respectively.

Thankfully we managed to end the financial year with a paper surplus of £46,298, although that included work in progress and other monies due. Sadly gearing up for our new and increased LSC contract (running from 15th November 2010 for three years) has all but devoured that surplus.

The coming 12-24 months are going to be extremely tough. The Comprehensive Spending Review is almost certainly going to lead to cuts in all of our principal funding streams and we have no reserves to fill the funding gaps caused by those cuts. For that reason grants, donations and sponsorship will become ever more important.

We are in the process of producing a revised business plan and fund-raising strategy as well as setting up a *Friends of Hackney Community Law Centre* group so that we can call on the help and ideas of our supporters and current funders.

- **Full copies of our 2009-2010 accounts are available on our website.**



our management committee, staff and volunteers

Our Volunteer Programme

Since its inception and formulation into a concrete structure the volunteer programme has grown and maintained a high level of popularity. With the demand for quality positions in the legal sector far out-stripping opportunities available there is an abundant supply of good quality candidates looking for openings to volunteer. The Law Centre has managed to reap good rewards by providing openings to people who wanted to volunteer with us.

The programme has grown from an initial idea to an organised and structured approach to recruiting and retaining the services of our quality volunteers. In the last year, we have run three separate programmes which involved our able receptionist being the first point of contact in fielding calls and enquiring emails about the prospects of volunteering with us.

Our web pages really came into their own when we ran our recruitment campaigns. We have interest from quite a diverse background of people. Such is the demand for volunteer placements that in our last campaign we interviewed a lady who was willing to travel to London from Brighton, two days per week. During the summer we had two first year students with us from the University of Reading. We accept volunteers from diverse backgrounds but it is important

to us that they can commit to an initial period of three months. This makes it worthwhile for the caseworkers as they put a substantial amount of effort and time into giving the volunteers a solid legal background in their respective area of law.

Following on from the success of our volunteer programme, the Law Centre manager started an internship programme. This involves two people committing themselves to the Law Centre 5 days per week for an initial three-month spell. The idea is to expose these candidates fully to the Law Centre's work. They are getting hands-on experience in everything the Law Centre does and spans legal research, outdoor clerking, telephone advice and managing drop-in sessions. As this idea is still in its inception no benchmarks have yet been set for it to be measured against.

In the last few months however, we can be proud of the progress made by some of our volunteers. One of them is now in a placement in Brussels, two others have taken up paid para-legal positions and another is currently completing a placement in the US with a legal firm. Whatever the outcome of the internship programme, there is room to be confident that Hackney Community Law Centre will continue to attract high level, quality people and this, of course, is reflected in the level of service we give to the community.

HCLC Management Committee

We are extremely grateful to our Management Committee members, all of whom are volunteers:

- *Ian Rathbone (Chair)*
- *Francesca Delany (Secretary)*
- *Kirsten Heaven (Treasurer)*
- *Lawrence Abe*
- *Veronica Akinseye-Fasan*
- *Ruth Appleton*
- *Cllr Deniz Oguzkanli*
- *Jide Osanyintolu*
- *Megan Redmond*
- *Alhaji Sesay*
- *John Stewart*
- *Mulinda Xavier*

HCLC Staff

Our Staff:

- *Matthew Howgate (manager)*
- *Nathaniel Mathews (solicitor)*
- *Yvonne Stevens (solicitor)*
- *Wendy Pettifer (solicitor)*
- *Coral Robinson (solicitor)*
- *Paul Heron (solicitor)*
- *Val Thomas (locum)*
– *Housing caseworker*
- *Maggie Crowley*
– *Immigration caseworker*
- *Hilton von Herbert*
– *Immigration caseworker*
- *Hope Olugbola – debt caseworker*
- *Diane Morrison*
– *advice line/caseworker*
- *Chorouk El-Adib - caseworker*
- *Olu Adunuga – finance officer*
- *Bella Donnelly - administrator*
- *Cherrill Connerty – legal secretary*
- *Kim Sin - administrator*



hackney community law centre

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■ Languages Spoken

English is the main language spoken at the Law Centre although we can arrange for interpreters where necessary.

■ Status

We maintain a friendly environment and approach to all of our clients. We endeavour to make our clients feel welcome and confident that their legal affairs will be dealt with in a competent and confidential manner.

We provide first class advocacy, representation, advice and assistance by providing the following services:

- Representation in the County Courts, Immigration Appeal Tribunal, Social Security Appeals Tribunal
- We liaise with the Local Authority and other external agencies.
- We provide advice and representation at the Duty Scheme/Possession list at Clerkenwell & Shoreditch County Court.
- We provide outreach sessions at Face to Face in Leyton, and the Hackney Migrant Forum.



Law Centres Federation

Legal action for the community



Community
Legal Service



design

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- dennis@kavitagraphics.co.uk

Our grateful thanks to The Hardwicke Chambers for their kind sponsorship of this Annual Report

Hardwicke

**hackney community
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