



GLOUCESTER LAW CENTRE ANNUAL REPORT 2017-2018



Gloucester Law Centre
First Floor
Morroway House
Station Road
Gloucester
GL1 1DW

Gloucester Law Centre is a registered charity which has been providing free confidential legal advice for 33 years. We currently advise on some areas of law on housing for tenants, Welfare Benefits, Asylum and Family law. We have a very limited Immigration advice service, primarily for victims of domestic violence here on a spouse visa and also applying for bail.

Our service is generally limited to Gloucestershire, apart from Welfare Benefits, which is currently limited to tenants of Gloucester City Homes only, although asylum has a greater catchment area.

We also attend Cheltenham & Gloucester County Court on the Housing Possession Court Desk Scheme giving defendants advice before they go into Court for a possession hearing. We often manage to have cases adjourned for benefit problems to be resolved, or to give us time to build a defence and sometimes, if for example the notices are **fault**, we can have the cases thrown out.

We advise tenants on housing matters at a drop-in session. All other advice is by appointment only. A number of clients come to us by referral from other organisations.

Interpreting is available for legal aid cases only.

Central to our work is maintaining and developing our community involvement with our users and potential users.

We continue to work with other organisations to deliver excellent advice services, unfortunately we are unable to achieve our aim of moving into a building with the Citizens Advice Bureau, which we hoped would improve the service.

t: **01452 423492**
f: **01452 387594**
e: contact@gloucesterlawcentre.co.uk
w: www.gloucesterlawcentre.co.uk

BENEFITS

By appointment only
01452 423492

HOUSING

Drop-in sessions
Wednesday 10.00 - 12.00

IMMIGRATION

By appointment only
01452 423492

FAMILY

By appointment only
01452 423492

Company limited by Guarantee.
Registered in England no. 1937081.
Registered Charity no. 900439.
VAT registration no. 682 6209 22.
Member of the Law Centres Network.





CHAIR'S REPORT 2017-2018



Chris Hill

I am delighted once again to invite you to consider the annual report for Gloucester Law Centre.

We are proud to be an outstanding and unique organisation in Gloucestershire which has been providing free, independent high-quality legal advice for 33 years as a registered charity.

We provide legal representation through all levels of courts and tribunals to those in need. Our solicitors and skilled, experienced advisors continue to provide an excellent service to all our clients in the areas of welfare benefits, asylum, housing for tenants and family law. We provide very limited immigration advice now due to the legal aid cuts. Our client feedback forms show very high satisfaction levels with our work both on a personal and professional level.

This has been another challenging year for the Law Centre we have had further cuts to our funding and this remains a huge threat to the future of the Law Centre. Unless alternative sources of funding can be found our future is still uncertain. We already

limit welfare benefits to tenants of Gloucester City Homes, but we are applying for funding to increase the service back to previous levels as there is huge need out there, especially with the introduction of Universal Credit.

The changes to benefits have increased the numbers of people seeking legal advice, while our capacity has reduced. The bedroom tax continues to cause a great deal of hardship, particularly to disabled clients.

The Law Centre has now moved into new premises in Station Road, opposite the new bus station and behind the Disability Shop. The new premises are a great improvement and conditions are much better for both workers and clients.

I would like to take this opportunity to give a special mention to all our volunteers. We have a brilliant set of volunteers, some of whom have been with us quite a short time and a number who have been with us for many years, and we simply would not be able to function without them. Some of our volunteers help to staff reception and perform admin tasks and we also have experienced law students who help with casework support. Some who have left us have moved on to full time employment.

A thank you must also go to the paid staff who through their diligence, patience, dedication and skills have produced excellent results again this year

I would like to sincerely thank our funders, our clients, my fellow trustees, as well as the dedicated staff and volunteers, who all work as a team that I am proud to lead. They have enabled us to ensure that Gloucester Law Centre continues to provide the best service possible, with the funds available, to all the people we serve.



**SUMMARY
OF
ACCOUNTS**

Income and Expenditure

Incoming Resources
 Incoming resources from generated funds
 Voluntary income
 Miscellaneous income and fund-raising
 Investment Income
 Donations

	Unrestricted Fund 2018 (£)	Restricted Fund 2018 (£)	Total 2018 (£)	2017 (£)
	6,170	–	6,170	14,309
	221	–	221	535
	–	–	–	6,000
<hr/>				
Incoming resources from charitable activities				
LegalAid and legal fees	178,924	–	178,924	239,070
Grants and Contracts	87,850	–	87,850	149,547
Total Incoming Resources	273,165		273,165	409,462
<hr/>				
Resources Expended				
Charitable activities	401,845	–	401,845	392,144
Total Resources Expended	401,845	–	401,845	392,144
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Net Incoming Resources				
Net Income for the year	-128,680	–	-128,680	17,318
Gain/[loss] in value of investment	2,748	–	2,748	15,405
Total funds at 1st April 2017	401,498	–	401,498	368,775
Total funds at 31st March 2018	275,566	–	275,566	401,498



**BALANCE
SHEET
as at 31st
March 2018**

	2018 (£)		2017 (£)
Tangible assets			
Current assets			
Debtors and prepayments	22,660		33,544
Cash invested	120,980		118,232
Cash at bank	150,053		261,787
	293,692		413,563
Current liabilities			
Creditors: amounts falling due within 12 months	-18,126		-12,065
Net current assets		275,566	401,498
Net assets		275,566	401,498
Unrestricted Funds			
General funds		178,210	304,142
Designated funds		97,356	97,356
		275,566	401,498
Restricted Funds		-	-
Total funds		275,566	401,498

PUBLIC BENEFIT

We review our aims, objectives and activities each year. This review looks at what we achieved and the outcomes of our work in the previous 12 months.

The review looks at the success of each key activity and the benefits they have brought to those groups of people we are set up to help.

The review also helps us ensure our aim, objectives and activities remained focused on our stated purposes. We have referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing our aim and objectives and in planning our future activities. In particular, the trustees consider how planned activities will contribute to the aims and objectives they have set.

A statement by the charity trustees as to whether they have complied with the duty in section 17(5) of the Charities Act 2011 to have due regard to public benefit guidance published by the Commission - See more at:

HOUSING REPORT

As always the housing team has been extremely pressured this year, and the team of 3 staff (not all employed full-time) assisted over 900 residents with housing matters. We work with tenants of both social housing and private rented properties as well as homeless people, advising and representing in the following areas which are covered by legal aid:

- Repossession of the home where there are alleged rent arrears or other breaches of tenancy, including anti-social behaviour
- Injunctions for anti social behaviour, and in some circumstances committal applications for breaches of anti-social behaviour injunctions
- Notices of eviction
- Warrants of eviction
- Unlawful eviction
- Defending mortgage

possession proceedings (primarily through the Court Desk scheme)

- Disrepair affecting tenants' health
- Advice about succession rights where possession is being sought by the landlord
- Homelessness

The housing situation in Gloucester continues to be extremely difficult because of an acute shortage of both social housing and affordable privately rented property, combined with a wide range of pressures on tenants in terms of low income, benefit changes and cuts, insecurity in employment and problems caused by ill-health. We are currently funded by the Legal Aid Agency to provide a Court Desk scheme at possession hearings in the local County Courts, and cover two sessions a week in Gloucester and one a fortnight in Cheltenham. This scheme is funded to give legal assistance

to tenants or borrowers facing eviction who have not been able to access specialist advice prior to the date of the hearing, and every week we deal with people who have fallen into rent or mortgage arrears through no fault of their own. We are almost always able to negotiate with the landlord or lender to enable these clients to keep their homes, or where there are complex issues to resolve we obtain adjournments so that we can take the case on for the client under legal aid and file a defence the claim.

Gloucester is now a full service area for Universal Credit, meaning that where there is any change in a person's circumstances they now have to move onto Universal Credit and their previous benefits such as income-based jobseekers allowance, income-related employment and support allowance, child and working tax credits and crucially housing benefits are immediately

stopped. This is causing serious hardship and a large percentage of the rent arrears cases we deal with at Court are where rent arrears have risen sharply whilst the tenant has been waiting for Universal Credit to come into payment. There has been much publicity about the problems caused by the six weeks or more waiting periods, and we can confirm that this does indeed cause huge hardship. However there has been less publicity about ongoing hardship once Universal Credit is in payment, caused often by huge deductions to the monthly payment leaving a totally inadequate amount of money for the client to live on.

CASE STUDY

A recent example of the way Universal Credit is plunging tenants into crisis is Ms D, who is facing a possession claim by her landlord, a social housing provider, because of rent arrears. Ms D is unable to work because of a learning disability and mental

health issues, and was previously in receipt of Employment and Support Allowance. When we checked her most recent Universal Credit payment details, we found that her total payment before 'adjustments' for the month was £717.82. This included £400 for her rent, although her actual rent is £476-67 per month. She is being underpaid because Universal Credit have wrongly decided she is a private tenant. This means that after paying her full rent, which she really needs to do to try to prevent eviction, she should be left with £241-15 to live on for the month, which is in itself well below the poverty line. However it doesn't stop there, as there are deductions from this amount of £29 per month to recover an advance payment made to her, £47-67 for recovery of a tax credit overpayment, and £79-45 for rent arrears. After these deductions are taken, Ms D is left with £85.13 per month, or £19-65 per week to live on, assuming she pays her full rent. It is not difficult to understand

why she has been unable to pay her rent.

We are also seeing ever-increasing numbers of clients who have been refused any homeless assistance by their local authority because of findings that they are not vulnerable and therefore not in priority need, or that they are intentionally homeless. We have been able to assist a number of clients this year to successfully challenge such decisions.

We continue to work very closely with Gloucester City Homes, and are grateful for the ongoing funding they provide to us for benefits advice to their tenants. The housing team liaise closely with the benefits adviser funded by GCH, referring clients seen at Court to him and also obtaining adjournments of cases to allow him to resolve benefits issues. We also receive referrals direct from arrears officers. This is an arrangement which benefits everyone, as we are

able to prevent evictions and at the same time raise significant sums in additional housing benefit which goes straight into tenants' rent accounts thus assisting GCH to reduce their arrears figures

CASE STUDY

We assisted Ms P at Court after GCH had applied for a possession order because of rent arrears. We established that Ms P's housing benefit had been reduced to 50 pence per week because she was subject to the benefit cap. We were able to persuade the Judge to adjourn the case, and referred the matter to the benefits adviser who assisted Ms P to apply for discretionary housing payments including a lump sum back payment. The application was successful and the rent arrears were reduced to a level where the court adjourned the matter generally on payment of the remaining arrears by instalments, rather than making a possession order.

FAMILY DEPARTMENT REPORT

Following previous Family Department reports, this year has confirmed that the ongoing demand for legal advice and representation in family law exceeds that which I can provide - with no apparent takers for a replacement / additional lawyer. In addition, there remain the ongoing problems with the administration of legal aid - just last week, I received a decision which apparently applied retrospectively and withdrew funding for a hearing which already had happened. Against this background, the family department has continued to provide a family law service to challenging problems and issues for a range of clients.

A positive highlight was for one father, who could only see and spend time with his child where and when the mother agreed,

and always supervised by her. Through the Court process he now has an order that he can see his child, and this is not supervised by the child's mum.

Two important issues which this year's experience has demonstrated are:

Firstly, the way in which the very system which is designed to protect children and abused parents achieves the opposite in that it further abuses a survivor.

In private law children matters - which means disputes between parents as to the care of their children - where one or both parents make allegations of abuse then the Court must decide, at an early stage, whether there should be a Finding of Fact hearing and a judgement made as to the allegations before further decisions as to the care of the child. The Court must follow the Guidance in this process.

This Guidance has been helpfully revised (October 2017) to deal with an expanded definition of domestic abuse, to include controlling and coercive behaviour and culturally specific forms of abuse. It also requires the Court to consider how evidence is presented and challenged, to avoid a survivor being questioned in Court by the abuser. Further changes are set out in the proposed Domestic Abuse Bill.

For now, what hasn't changed is the process to reach a Finding of Fact hearing.

Statements must be prepared. The burden of proving what happened rests on the survivor. Evidence must be given and challenged. For a survivor, this means re-visiting and re-living the abusive events. It means re-opening experiences which survivors may have worked hard to contain.

This process of bringing the evidence to a Finding of Fact hearing is in itself abusive to a survivor. The fundamentals of this process need further amendment.

Secondly, the ongoing issue with the way that children are Looked After by Local Authorities. Just last week, the press highlighted that children are being 'auctioned' for foster placement. This is dramatic wording for the great difficulty Local Authorities have in finding suitable foster placements for troubled children and search through private agencies.

For a moment, think of parents whose children require such very specialised foster care and how this comes about. It is not simply that such children are poorly parented and end up in care, needing specialist foster care. It is also that, whilst in the care system, these children are poorly parented by their corporate parent, the Local

Authority. The checks, through the Looked After Children reviews, which is the main way parents can voice their views simply don't not work as they should.

In the last year, I have acted for two such mothers, whose children have been so badly parented in care, that they have had to make the awful decision NOT to seek the return of their child to their own care just because their child's care needs were now so great. And so their child remained in the care of the very Local Authority which had so badly looked after him. This complex system of caring for children with specialist needs urgent re-structuring.

Sue Maunders

Family Lawyer
Gloucester Law Centre
November 2018



I would recommend the Law Centre to everyone, so helpful.
The Centre kept us up to date with everything that was happening
I would recommend you because of the fair, precise, good adequate service you rendered
I was in a bad place and the Law Centre really helped me. You helped me save my home
The Law Centre helped me out lots
Professional, approachable
So kind and understanding
Staff very reassuring at a difficult time
Always so friendly and helpful and understanding
We found the service provided to be very helpful and professional and would recommend you to others
Couldn't have done it without you. You did something lovely and it really meant a lot. Such a lovely house and a fresh start
Thanks for your continued support. God bless

IMMIGRATION REPORT

We have continued to act for a large number of unaccompanied asylum-seeking children coming to the Law Centre for help again this year.



They are often extremely traumatised and need a lot of help and support in order to try to gain their trust so that they can open up about what has happened to them, and then engage with the legal process. This can be very distressing as they have to re-live sometimes appalling incidents which have led to them fleeing their home countries. Often we will need to see a child, accompanied by a social worker or other responsible adult, on many occasions before we can build a full picture so as to put their best case in the asylum process.

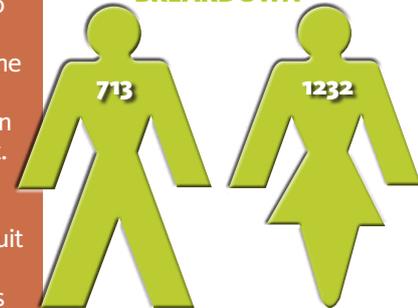
We also receive many requests for help for immigration matters but sadly we are only able to help in limited areas of law. We can help with victims of domestic violence who are here on a spouse visa where their stay is due to expire, and some bail cases for immigration clients. All other immigration work is outside the scope legal aid, so we have to turn people away as our funding is now so limited. We are unable to offer pro bono advice as we have no funding for this.

We are currently advertising for a locum immigration and asylum adviser for maternity cover, but so far, we have been unable to recruit. We are managing to support current clients with the help of an adviser in another Law Centre but cannot take on any new cases at the moment. In common with many other legal aid providers we are finding it very difficult to recruit advisers with the relevant qualifications. The restrictions on legal aid scope in recent years has meant that there are far fewer people training in legal aid areas of work and this is producing a recruitment crisis.

Total amount of money brought in this year for our clients:

£1,3

GENDER BREAKDOWN



AGE BREAKDOWN

0 - 16 9
17 - 24 136
25 - 34 488
35 - 49 692
50 - 64 511
65 + 109

384,028 49

ETHNIC BREAKDOWN

Other 35
White British 403
White Irish 13
Black or Black British African 66
Black or Black British Caribbean 100
Black or Black British Other 38
Asian or Asian British Indian 4
Asian or Asian British Pakistani 13
Asian or Asian British Bangladeshi 8
Chinese 8
Mixed White and Black Caribbean 44
Mixed White and Black African 1
Mixed Other 6
White Other 171
Asian or Asian British Other 20
Unknown / Refused 3

CASE BREAKDOWN

Housing 920
Immigration/Asylum 45
Welfare Benefits 870
Employment 1
Family 109

DISABILITY BREAKDOWN

Deaf 2
Hearing Impaired 3
Learning Disability/Difficulty 46
Long-Standing Illness or Health Condition 537
Mental Health Condition 325
Mobility Impairment 83
Not considered disabled 927
Other 2
Physical Impairment 15
Unknown 2
Visually Impaired 3

DISTRIBUTION BY WARD

Abbeylea 14
Abbeylea 24
Barnwood 37
Barton & Tredworth 227
Brockworth 28
Cheltenham 141
Coney Hill 69
Cotswold 7
Elmbridge 24
Forest of Dean 77
Grange 40
Hucclecote 36
Kingsholm & Wotton 109
Kingsway 52
Longlevens 31
Matson & Robinswood 267
Moreland 170
Podsmead 108
Quedgeley Fieldcourt 35
Quedgeley Severn Vale 22
Stroud 76
Tewkesbury 28
Tuffley 95
Westgate 181
Outside City 39
Not known 8

TOTAL CASES 1945

WELFARE BENEFITS

As always this has been a very busy year for the welfare benefits team.

Because of sustained cuts to our funding since 2013, we have very reluctantly, and hopefully for the time being only, had to restrict the provision of benefits advice to Gloucester City Homes tenants only. This is because they are the only organisation which currently funds us to do benefits work. As a consequence, for the first time in the Law Centre's thirty three year history we are no longer able to provide benefits advice to all Gloucester citizens. This comes at a time when due to the roll out of Universal Credit, there is a greater need than ever before for expert independent advice.

We are seeking alternative funding so that we can re-instate the benefits advice service for all

Gloucester residents and hope to be able to report that we have been successful in achieving this aim in next year's annual report

In February 2018 Gloucester became a full-service area for Universal Credit. With a few exceptions any new claim for a means tested benefit in Gloucester now has to be for Universal Credit rather than for the legacy benefits, it is replacing.

We have already seen lots of instances where people have been wrongly advised that they need to claim legacy benefits rather than Universal Credit, or vice versa. As a result, there has been a delay in claiming the correct benefit which has led to them being in rent arrears and suffering genuine hardship. Because Universal Credit can only be backdated for a maximum of one month and only then in very restricted circumstances people can lose out on significant amounts of

income because of official error. In such cases we will be seeking ex-gratia payments and where appropriate, compensation from the DWP.

Because of sanctions, very high deductions made to third parties for rent, utility bills fines etc. the Bedroom Tax and Benefit Cap, we regularly see claimants whose net income is well below the level it would have been under the old legacy benefits. For many of our clients there is no longer a safety net and it is becoming increasingly difficult as advisers to find solutions to mitigate the extreme poverty which people are forced into by the introduction of Universal Credit.

Our contract with Gloucester City Homes (GCH) to provide specialist benefits advice to their tenants is now in its sixth year. In 2017/18 we provided advice which resulted in their tenants receiving additional benefit to the tune of £745,376 and the

total in benefit gains since our contract with GCH started is £3,367,000.

Here are examples of some of the cases we have advised on this year:

1. In April **Mrs D's** daughter came to see us on her behalf because Mrs. D has agoraphobia and is unable to leave her home. Her HB had been cancelled because of a non-dependent deduction at the highest rate in respect of her daughter who is working. We helped Mrs. D to make a claim for Personal Independence Payment and at the same time asked the Council to review their decision that she was no longer entitled to Housing Benefit. Because we knew that the Personal Independence Payment claim would take several months to process we were able to advise Mrs. D that if her claim was successful it would mean that the non-dependent deduction from her Housing Benefit would

no longer apply. If we waited for the outcome of her Personal Independence Payment claim before challenging the Housing Benefit decision the Council may have said that her appeal was out of time and that any new claim for Housing Benefit could only be backdated for one month.

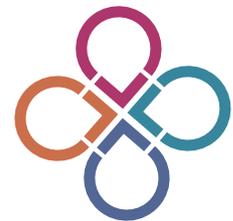
At the end of June Mrs. D received a letter from the DWP to tell her that her claim for Personal Independence Payment had been refused. We helped her to appeal and unusually in November the DWP revised their decision in her favour without her having to attend a tribunal. Her weekly award of Personal Independence Payment was £76.90.

We then helped her to re-claim Housing Benefit asking the Council to revise their previous decision. She was awarded a weekly amount of £74.13 and received arrears of £2346.09.

2. Ms. S. who is a Polish national sought advice from us because the Council had decided that she didn't have the right to reside in the UK for benefit purposes. The Council's view was that having completed her maternity leave and not returned to work she no longer had the right to reside. As a consequence, the Council said that she had been overpaid Housing Benefit of £1923 at her previous Gloucester City Homes address and that she wasn't entitled to Housing Benefit on her new starter tenancy. We helped Ms. S. to appeal against the Council's decision and after seeking an opinion from the Advice on Individual Rights in Europe Centre in London, we were able to successfully argue that she did have the right to reside and so was entitled to Housing Benefit. This was because following a landmark European Union case, she could show that she had retained her status as a worker. The Council agreed that she no longer had an overpayment at her

previous address and awarded her benefit at her new address from her tenancy start date, thus preventing her from being evicted.

3. Mr. J was referred to us by one of the GCH income officers to see if he would qualify for a discretionary housing payment. After going through his income and expenditure details with him it was apparent that he wouldn't qualify for a discretionary housing payment because his income was sufficient to meet his outgoings. However, a full benefit check, which we routinely carry out for all clients, revealed that he wasn't receiving a severe disability premium, which he should have been getting as part of his Employment and Support Allowance. When we contacted the DWP to point this out to them they accepted that Mr. J should have been getting this additional premium since April 2014 and awarded him an extra £62.45 per week and arrears of £10,524.





Community
Legal Service



Thanks for one-off grants from:

- The Advice Services Transition Fund
- Lloyds TSB Foundation

ACKNOWLEDGEMENTS

We would like to thank our funders
Gloucester City Council
The Legal Aid Agency
Gloucestershire County Council
Gloucester City Homes

We would also like to thank: Our grateful thanks to Dave Thorp of the Workshop for designing and producing this annual report. Thank you also to our clients who have made donations to the Law Centre during the past twelve months, and once again we have relied heavily on the goodwill and support from members of our Board of Trustees and our volunteers. Our services could not function properly without them, and we are extremely grateful for all their help, hard work and commitment.

