



GLASGOW LAW CENTRE

Speaking up for vulnerable people in Glasgow
Annual report 2018 to 2019





Mary Barbour

Mary Barbour February (1875 to 1958) was from Govan. She was the main organiser of the women of Govan who took part in the rent strikes of 1915.

Mary Barbour campaigned for tenants rights, for peace, and for women rights. She opened the first clinic in Scotland which provided birth control.

She was a political activist, one of the first women to be elected to Glasgow Council, she was a

bailie and a magistrate.

She is a key reason why people associate Govan as a working class community which fights for social justice of all.

A statue of Mary Barbour - by Andrew Brown and supported by Alex Ferguson former manager of Manchester Utd, Nicola Sturgeon First Minister of Scotland and former MP Maria Fyfe - was unveiled in Govan, just outside the underground and bus station, in March 2018.

OBJECTIVES AND ACTIVITIES

In order to achieve our charitable objectives, our Board of Directors set both the strategic direction and policy of the law centre and monitor performance in relation to financial management and service delivery, on a monthly basis. Our aim is to use access to legal education, advice, and representation to tackle unmet legal need, discrimination and poverty in Scotland. In that regard, it has been a very successful year for Govan Law Centre (GLC). Throughout the period all targets and outcomes for funders were either met or surpassed, with the quality of work and support to clients being maintained to the highest standard. We received full re-accreditation for the Scottish National Standards for Information and Advice Providers, which is now administered by the Scottish Legal Aid Board on behalf of the Scottish Government.

The vast majority of our services are free at the point of delivery and we are able to sustain this business model through dedicated funding and the reinvesting of generated income to cross-subsidise free legal services to vulnerable clients with unmet legal needs. This also enables us not to insist upon client “advice and assistance” legal aid contributions, saving many clients the best part of a week’s income. In cases where civil legal aid certificates are required to defend sheriff court actions, we can request a nominal contribution, in many cases saving the client hundreds of pounds and in some cases several thousands of pounds.

One of our core partners, Glasgow City Council (GCC) confirmed next year’s funding for our Financial Inclusion Service in the South and North East of Glasgow. Our level of funding remained the same this year, with funding at the same level confirmed for 2019-20. We await more details of the new City Government’s plans for funding from 2020-21 onwards and have been engaging with senior local elected members in that regard. GLC has robust empirical evidence on how it demonstrates first class value for money.

We turn every £1 of Glasgow City Council funding into £5.17 by leveraging in additional income, which is spent on improving the health and financial wellbeing of Glaswegians. This report gives but a summary of the thousands of successful outcomes we achieve for our clients each year, helping them turn a difficult corner in their lives or securing their legal rights that will keep them safe and well. This report also highlights our additional value for Scotland generally, by



We turn every £1 of Council funding into £5.17 by bringing in additional income.....



our wider strategic public interest litigation, policy and law reform work; all of which helps improve the legal rights and wellbeing of many vulnerable citizens across Scotland.

The Scottish Legal Aid Board (SLAB) has confirmed that funding for our two projects – the Ayrshire Homelessness and Prevention Project (AHAP) and our partnership with Children’s 1st – is continued to 31st March 2020. The Scottish Government also confirmed a continuation of our core funding for Govanhill Law Centre to 30th June 2020 (however, along with other recipients under this funding stream we sustained a 12% cut).

Following on from our successful relationship with The Legal Education Foundation (LEF), we secured new funding to trial an innovative Virtual Law Centre Partnership (VLCP), using video conferencing and secure document scanning technology. We are working closely with Argyll and Bute Council and other local Argyll and Bute partners to test our VLCP model. We presently have two-trainee solicitors/Justice First Fellows, funded by LEF, the Royal Bank of Scotland plc, and GLC.

Last year, our national Education Law Unit (ELU) secured funding for a further three years for its strategic litigation project across Scotland. GLC also won a three-year contract under a competitive tender with the Scottish Government for our ‘Let’s Talk ASN Scotland’ project serving Scotland, in partnership with Barnardo’s, the UK’s largest children’s charity.

From December 2018 to the end of March 2019 our Prevention of Homelessness Project (POHP) provided a dedicated daily early morning service at the Glasgow City Mission’s Winter Night Shelter. This service was supported by GLC’s own resources. Our legal and casework interventions helped two hundred and seven rough sleepers in Glasgow secure accommodation. We undertook a number of judicial reviews at the Court of Session on behalf of people who were

homeless; and a variety of other judicial reviews across a range of strategic litigation fields.

In November last year, Lorna Walker, GLC senior solicitor, was appointed Partner in the law centre’s legal practice and joined GLC’s Senior Management Team. In August last year our Principal Solicitor was appointed to the board of the new UK Money and Pensions Service by the DWP Minister for Pensions and Financial Inclusion. The new body is chaired by Sir Hector Sants.



FINANCIAL REVIEW AND PLANS FOR FUTURE

Working with the international Oak Foundation, we have secured core funding of £1m over a five-year period to 2023. This represents a fantastic investment in our organisation from the Oak Foundation and will enable us to introduce a strategic five-year business plan, upgrade our IT and case management systems, expand our services and maximise good outcomes for vulnerable people in Scotland.

Our internal operational governance and reporting mechanisms are set out below under the heading, ‘Structure, Governance and Management’. A key

challenge for us this year was to plan for the migration of our paper-based systems to a specialist electronic case management and accountancy system. This will introduce a number of operational efficiencies, but more importantly enable us to properly control and proactively manage billing, legal aid cover, the recovery of client outlays, and provide robust work-in-progress figures for external audit purposes. In order to facilitate this, it was vital to invest in new servers, and upgrade internal services and IT systems.

Our Board has a Strategic Risk Register for potential barriers that could prevent GLC from delivering its strategic objectives and services. Our Risk Register sets out robust mitigation plans to minimise risks to our ability to deliver services. The register is kept under review by the Board on a quarterly basis, and on an on-going basis by the Principal Solicitor and the Senior Management Team. All of our core sources of funding have been secured and we are strengthening our financial management systems to maximise income and the recovery of third-party outlays. We have prudent reserves in place for over six months of operation.

We are now into the start of the final year of our city-wide Private Rented Sector Tenants (PRST) project funded by the Big Lottery with almost half a million pounds. The PRST team operates from GLC and is providing fantastic outreach work across the city and from within Glasgow City Council’s Homelessness Services Community Casework Teams to ensure we reach the most vulnerable PRS tenants. Working in partnership with the Scottish Prison Service, the Wise Group, we have developed a new advice and support service for prisoners awaiting release within Glasgow’s HMP Barlinnie. A new pilot service will be rolled out in 2019/20.

ACHIEVEMENTS AND PERFORMANCE

Parliamentary and Social Policy Unit (PSPU)

This year we continued to work with colleagues from

the Scottish Government’s Homelessness and Rough Sleeping Action Group (HARSAG) to address the challenges of rough sleeping, how temporary accommodation can be improved, and how homelessness can be eradicated in Scotland. Our Principal Solicitor was a member of HARSAG. In November 2018, the Scottish Government published its Action Plan, “Ending homelessness and rough sleeping”, and said that:

“HARSAG and the Local Government and Communities Committee have provided a comprehensive set of recommendations which provide the basis for transforming the homelessness system in Scotland. This High Level Action Plan is an important milestone, marking both a culmination of the work undertaken over the past year to deliver proposals to change the homeless system in Scotland for good; and it’s also the launch pad for the activity required to deliver on that ambition”.



We supported 2,000 people with mental health problems



On 28 March 2019, GLC's Principal Solicitor gave evidence on our behalf to the Scottish Parliament's Social Security Committee alongside Shelter Scotland and Living Rent Edinburgh. We set out our casework evidence for why the Scottish Parliament should use its new powers under sections 29 and 30 of the Scotland Act 2016 to vary the housing costs paid to those in receipt of Universal Credit. GLC argued for a return to the 50th percentile of local rents linked to the actual market rent as opposed to a frozen rate of CPI. We called for the eradication of age discrimination by scrapping the shared accommodation housing costs restriction for people under 35 (with no dependents).

In tandem with our calls for social security reform to private rented sector (PRS) housing costs, GLC has campaigned for greater rent controls in the PRS in Scotland. This is a devolved area of law and it has been telling that the Private Housing (Tenancies) Act 2016 has been unable to cool the overheating in this market. In the central belt of Scotland rents have risen at twice the rate of inflation, and indeed, the greatest rise in poverty in Scotland has been from within the PRS. No local authority has ever applied for an area to be granted "Rent Pressure Zone" status under the 2016 Act. We have been working with MSPs in this area and were delighted to assist Pauline McNeill MSP in the launch of her Fair Rents (Scotland) Bill consultation at our office in May 2019. Our PSPU is happy to assist in supporting the further work required if this law reform initiative can be introduced as a Scottish Parliamentary bill later in 2019.

Last April, our Principal Solicitor gave evidence to the Scottish Parliament's Delegated Powers and Law Reform Committee, on the Prescription (Scotland) Bill, which was enacted later in 2018. We argued that all legal obligations should be subject to a five-year prescriptive period as a matter of principle. The current law, contained in the Prescription and Limitation (Scotland) Act 1973, is almost half a century old and the justification for requiring 20 years to pursue debts

and obligations is outdated with today's standards and technology.

In November last year we launched our Universal Credit (UC) campaign. UC will be received by over 600,000 households in Scotland, and the final roll out of Universal credit was completed in December 2018. Importantly this includes the final parts of Glasgow, our largest and poorest city. Our casework across Glasgow already confirms that Universal Credit is causing misery and increasing poverty. It's an unworkable social security policy, in its present form.

We believe that Universal Credit should be devolved to the Scottish Parliament so a new solution to in-work poverty can be found. We are supported by Unison Scotland in that call, the largest trade union in Scotland. Our mitigation calls are supported by the Scottish Trades Union Congress. In the meantime, we are calling on the Scottish Government to implement reforms to mitigate the worst impact of the policy by:

- an urgent updating of the Scottish pre-action court requirements
- prevent landlords deducting more than 5% of a tenant's UC or disposable income for arrears of rent
- social landlords to ensure tenants are made aware of the ability for direct payments from UC to rent
- a national co-ordination of advice and intervention strategies in Scotland to limit damage

We engaged with various stakeholders and external bodies over the last 12 months including meetings with:

- Glasgow City Council's GAIN network (regular meetings)
- Andrew Steven, Commissioner at the Scottish Law Commission to discuss the new review of mortgage repossession law in Scotland (April)
- Esther Robertson, Chair of the Scottish Government's Review of Legal Services (May)
- Maggie Craig, new Head of Scotland department at

the Financial Conduct Authority (May)

- Jeremy Corbyn, Leader of the Labour Party, round-table meeting on the treatment of Glasgow asylum seeker and lock change evictions (August).
- All Party Parliamentary Group on Consumer Protection, launch of the Ombudsman Inquiry Report (January)
- Scottish Association of Law Centres (regular meetings)

Strategic test case and court work

Examples of our strategic case and court work include:

[1] In **Zungunde v. Glasgow City Integration Joint Board 2019** S.L.T. 37; [2018] CSOH 100, the Court of Session ruled that simply assuming a person was intentionally homeless because he or she was evicted for rent arrears was wrong in law. Lord Woolman held that Glasgow City Council's (GCC) decision was invalid for want of due consideration and regard of the statutory Scottish code of guidance on homelessness, and for the council's failure to give adequate reasons for its decision.

Explaining the court's reasoning Lord Woolman said: *"Turning to the decision letter itself, it is not apparent that GCC fulfilled any of the steps mentioned in the Code to investigate the cause of the petitioner's homelessness. No reasonable reader could draw that inference. Instead he or she would deduce that GCC had made an automatic assumption without inquiry, contrary to the guidance. The Supreme Court has recently reaffirmed that adequate reasons must be provided in homelessness cases. Nzolameso v Westminster City Council [2015] UKSC 22 at paragraph 3, GCC does not satisfy that test. Its reasons were inadequate"*

The court made it clear that GCC should read its Judgement carefully so as to avoid the need for further legal proceedings to accommodate the petitioner,

and our client was indeed offered a Scottish secure tenancy. We believe this judgment will be extremely helpful for many people in Scotland who are homeless; it clarifies the law in relation to the statutory responsibilities of IJBs, but moreover it sends a strong and clear signal for the need to properly consider the statutory Scottish code of guidance on homelessness, provide adequate reasons for decisions, and not assume a person is intentionally homeless simply because they were evicted.

[2] In February this year, our Principal Solicitor argued the cases of **Rashidi and Ali v. Serco Limited, Compass SNI Ltd**, and the Secretary of State for the Home Department 2019 S.L.T 463, [2019] CSOH



Support the Mary Barbour Bill



34. These were Scottish test cases challenging the legality of the practice of Serco in the Court of Session - the company contracted by the UK Home Office to provide support and accommodation to asylum seekers - to undertake lock-change eviction without the authority of the court.

We were pleased that Lord Tyre held Serco was a public body for the purpose of the Human Rights Act 1998 – something that both Serco and the Home Office had strongly resisted at the debate in February this year. However, ultimately the court upheld the legality of lock-change evictions. We have since lodged a reclaiming motion (appeal) for Mrs Ali to the Inner House of the Court of Session - Scotland's supreme civil court.

Our understanding is that jurisprudence from the European Court of Human Rights – which has been followed in appellate courts in the UK – requires the interference with our client's human rights by a lock-change eviction to be compatible with the rule of law, and not just her article 8 right to respect for her home and family life. That requires UK or Scots law to be sufficiently precise and foreseeable in its effect, and the safeguards suggested by Lord Tyre in our client's case require numerous administrative hurdles to be overcome, none of which directly stop a lock change eviction.

An appeal to the First Tier Tribunal does not stop or prevent an eviction – there is nothing in the Tribunal rules to empower the Tribunal to put a lock change eviction on hold pending an appeal. Further, the court in our client's case relied upon the English UK Supreme Court decision of *R(N) V. Lewisham Borough Council* [2015] A.C. 1259). This concerned people who had a day to day licence to stay in accommodation overnight. Because of the very temporary nature of their occupation, the UK Supreme Court held they did not live in a dwelling – as their residence was too transient and short. Such transient occupiers also had numerous rights of appeal to prevent an eviction. Our

client has lived in her home for over a year and a half. In these circumstances such occupiers are entitled to be taken to court before eviction – and can then defend those proceedings – there is a significant body of UK Supreme Court and European Court of Human Rights case law that confirm occupiers of dwelling have this right.

[3] In **G v. Glasgow City Council 2019 Hous LR 21**, we secured backdated housing benefit of around £10,000 in a First Tier Tribunal housing benefit appeal for a former homeowner in Glasgow. Our client had been referred to us by a local MP. She had jointly owned her home with her father but when he died, one half share of the home was split amongst beneficiaries who wanted to realise their inheritance. Ultimately our client, along with other beneficiaries, sold their shares in the home to a commercial landlord as she was impecunious and had no other options. Housing benefit rules state that a previous owner who becomes a private tenant of their home has to wait five years before they can apply for housing benefit.

Our client had lost her first tribunal appeal and was facing a sheriff court eviction action to which there was no defence as she had more than three months of arrears. Govan Law Centre solicitors managed to persuade the court to discharge some seven diets of proof over more than a year, pending the outcome of the benefit appeal. Our client instructed GLC and we pursued a successful Upper Tribunal appeal, resulting in a successful fresh First Tier Tribunal. The local authority opposed the award of housing benefit on four separate legal grounds. There was no liability to make payments (regulation 8); the tenancy agreement was not on a commercial basis (regulation 9(1)(a)); the claimant previously owned the house and could have continued to occupy without selling (regulation 9(1)(h)); and that liability was created to take advantage of the housing benefit scheme. Judge Newall rejected all of these grounds and set aside the local authority's decision from 2016.



Lorna Walker is the new partner of Dailly and Co, and has joined thje senior manager team

Lorna Walker

This year Lorna Walker became a partner in the firm of Dailly & Co., Solicitors. Lorna is a senior solicitor at GLC and has been with us for five years.

Lorna has been leading on our casework to accommodate rough sleepers, people threatened with homelessness and at the sharp end of austerity. She has also been responsible for our vital work helping women and children make new starts in life after domestic abuse.

Her contribution to GLC has been outstanding and she is a

first class social welfare lawyer. Her appointment as partner strengthens our senior management team, along with Candy Walker, Alistair Sharp and myself.

Lorna will lead on new case management and IT systems for GLC. She has already run a crowdfunding campaign to fund more work to prevent women from being made homeless

Lorna started as the senior solicitor for the Prevention of Homeless Team and has been running outreach hubs across

Glasgow to engage with people facing homelessness.

“I always felt privileged to be able to assist our clients who face the challenges that they do. I was on maternity leave when I was asked to be a partner at Govan Law Centre. I was delighted as this had always been an ambition of mine. I have always felt very proud to be part of the team at Govan Law Centre as we have such a strong team of solicitors, experienced caseworkers and money, debt and welfare rights advisors.”

We need living rents!



[4] Last September we prevented the “instant eviction” of a family of European Union (EU) nationals with four young children by lodging a sheriff court appeal seeking the suspension of the eviction. Physical ejection from the property in Govanhill was scheduled to take place immediately following the granting of decree. The client had obtained the lease of a privately let flat in Govanhill, paying a deposit and rent, only to discover they had been duped. There is a criminal practice in Glasgow of fraudsters breaking into vacant flats and falsely letting them out to vulnerable low paid EU workers. Our client’s case called in court on 48 hours’ notice (instead of the usual 21 days). Our client accepted she would have to leave the flat but asked for a little time to find alternative accommodation. The sheriff refused to do so and issued an immediate extract decree for eviction and dispensed with the need to serve a charge for removing. The standard practice on decree for eviction is an occupier will have 28 days before eviction by sheriff officers.

We lodged an urgent Note of Appeal arguing that the sheriff’s decree was unlawful as it was a disproportionate interference with the client’s right to respect for her private and family life, and her home, as safeguarded by Article 8 of the European Convention on Human Rights.

There had been no proper assessment of the proportionality of the granting of an “instantly enforceable” eviction decree as was required standing European human rights jurisprudence including the case of *Kay v. UK* (2012) 54 E.H.R.R. Some key facts in the case were in dispute and there was no evidential inquiry.

The court had been made aware the family could not obtain homelessness assistance from the local council upon zero notice, given the need to ingather evidence to satisfy the various residency and work tests for eligibility, and would be destitute and homeless without some period of notice. Despite this, the sheriff had granted decree, which would be immediately enforced with no notice. We were successful in

persuading the court to allow the family reasonable time to secure alternative accommodation.

[5] Following the decision of the **Sheriff Appeal Court in NRAM plc v. Cordiner in 2017**, it was generally thought that a homeowner cannot recall a decree by a “Minute for Recall of Decree” where he or she had appeared in court or been represented. In December in the appeal of *Santander (UK) plc v. P*, we were able to secure a recall of a mortgage repossession decree in Ayrshire despite the homeowner having previously appeared before the sheriff.

The Pursuers had opposed the Minute for Recall on the basis of the decision of the Sheriff Appeal Court, in *NRAM plc v Cordiner* (2017) SAC (Civ) 27. They argued that the Minute for Recall was not competent on the basis of this decision. The Sheriff refused the Minute for Recall. Having regard to the reasoning in *Cordiner*, it is our client’s position that the question to be determined was whether in his case litiscontestation had occurred, in which case, the appellant would have been prevented from seeking a recall of decree. This was the case in *Cordiner*, which had a particularly extensive procedural history. This had not occurred in the present case, as confirmed by the sheriff in her note. She stated “At no time did he offer any defence to the action”

Additionally, in *Cordiner*, the court was not persuaded that they required to fully consider the requirement to read down the relevant section of the legislation in line with the European Convention on Human Rights, as the defender had fully engaged in proceedings, having lodged pleadings and been represented in numerous hearings. This was not the case in the present proceedings, and our client submitted that the Appeal Court should fully consider these submissions, and read down the legislation to be compliant with his Convention Rights.

Before the appeal hearing was due to be heard in his case, the appellant’s lenders agreed to the decree be-

ing recalled. The appeal was therefore dropped, and the case referred back to the Sheriff court. Our client was being assisted through the Mortgage to Rent Scheme and hoped to be in a position to discharge his liabilities to his lenders and remain in his home.

[6] Towards the end of year we accepted the offer of a local authority to settle a reclaiming motion (appeal) in our client's favour. In **Mehr v. Glasgow City Council**, the Lord Ordinary had refused permission for a petition for judicial review to proceed. The case concerned the failure of the local authority to hold an original offer of settled accommodation open pending a statutory review under the Housing (Scotland) Act 1987. The case settled favourably prior to the hearing on the reclaiming motion before the Inner House of the Court of Session. We have settled many Court of Session cases over the last year, including a judicial review petition concerning the manner in which a community care assessment was carried out for a young person with disabilities who sought to move into his own independent tenancy with support.

GLASGOW CITY COUNCIL INTEGRATED GRANT FUNDING

GLC has worked hard throughout the reporting period to provide support and assistance to the most vulnerable in the South and North East of the city by providing a holistic service to support and empower those in financial difficulties. The service is provided by one-to-one support by office appointments, home visits and outreach appointments. Clients are seen in our office in Orkney Street, our Govanhill office, The Well, GEMAP, Bridgeton Library and through home visits. Every client that approaches GLC is triaged either in person or over the phone to identify the urgency of the necessary intervention.

If the client approaches an outreach - GEMAP or Bridgeton Library, the triage is carried out by those organisations staff. This results in every client receiving timely and appropriate advice for their individual

needs. GLC, working with our outreach partners, constantly reviews the service to ascertain that the most effective method of service delivery is maintained. GLC continues to provide a dedicated home visiting service for carers in the North East of Glasgow. Referrals are received from the North East Carers and East End Carers. The demand for this service continues to be in great demand and supports those carers, and those cared for, who cannot visit the office due to their personal circumstances.

In the reporting period, GLC assisted 1,423 new clients in relation to this grant funding contract. 1,046 Type 2 cases were opened in the period. 6,132 Type 1, 2 & 3 cases were handled with 835 of these being Type 3 court or tribunal representation. It has been noted that there is an ongoing increasing demand for emergency intervention in housing matters requiring immediate intensive support to be given to the clients. The legal team have also had to adjust to the removal of private rented sector cases to the First Tier Tribunal (Housing & Property Chamber) system which has proven to be time consuming and resulted in solicitors being out of the office more at hearings.

In the reporting year 2018-19, GLC provided legal representation in:

- Sheriff court/tribunals eviction proceedings - 536 procedural hearings and 114 full hearings
- Employment tribunals - 13 procedural hearings and 10 full hearings and
- Other courts and tribunals - 29 procedural hearings and 97 full hearings

GLC continues to receive the Section 11 letter notifications for the South and North East of the City together with Castlemilk Law & Money Advice Centre and LSA. A letter is issued to everyone on the list offering legal assistance when they have been threatened with losing their home - either rented or owner occupier. Specialist assistance is offered in preventing eviction or repossession or in rehousing. In the reporting year, 725 Section 11 letters were issued. This is higher than the previous year.



The solicitors and vulnerable caseworkers, together with the legal clerical staff, providing the service have many years accumulated experience in assisting the vulnerable client groups we deal with and treat all with respect and understanding at a time when they are extremely distressed. The increase in demand and in complexity of the casework has, however, put pressure on the service but it is understood by all staff that the quality of the service provided must not be compromised.

KEY FACTS:

GLC has provided court and tribunal representation throughout the period:

- GLC has assisted 1,423 new clients in this reporting period. The work is extremely complex and varied and it is the situation with most clients that they have several problems as well as the one they present with. This requires expertise within the staff to handle a varied workload and to be able to relate with the clients so that they feel relaxed to share their problems.
- Throughout the period, assistance was provided in housing, employment, debt, welfare rights and legal work. Assistance was provided to 207 clients who were in temporary accommodation, sleeping rough or of no fixed abode.
- Homelessness was resolved or prevented in 724 cases, and housing cost affordability improved for 260 clients with 837 clients overall benefiting from financial capability and money advice.
- The total housing debt handled for the period was £4,843,187, with £578,111 non-housing debt, and the financial gains achieved £388,688.

Some examples of our wide-ranging legal casework in Glasgow are as follows:

Case study 1

The client attended GLC for assistance in respect of her employment. The client had been subject to sexual harassment and victimisation. The client subsequently

was off work sick due to these incidents. The Law Centre assisted the client in progressing her claim against her employer through early conciliation and thereafter to the Employment Tribunal.

The client was seeking compensation for discrimination under the Equality Act 2010 and to be provided with a comparable role within the organisation based at a different location. During negotiations with the Employer's representative and following 2 case management hearings, the client accepted a settlement offer of compensation and a new role with the organisation. Subsequently, the employer assisted the client to return back to work.

Case study 2

Our client had been residing in temporary hostel accommodation for over 12 months. Our client has complex needs; however, it was identified that a major barrier to finding new permanent accommodation was substantial rent arrears owed to a previous landlord. These previous arrears had resulted in our client's eviction from the property which had led to him being placed within homelessness accommodation.

Our client was assisted to put together a financial statement to ascertain his options to deal with his debt issues. It was apparent once this was compiled that our client required some form of debt relief to clear his historic debts as his only source of income was disability benefits. The most appropriate statutory debt option available to our client was an application for Sequestration using the Minimal Asset Process.

GLC contacted the client's former landlord to establish the level of debt due as our client no longer held any paperwork relating to this and to establish if there would be any willingness for the creditor to write off some or all of the debt due to the client's circumstances. When we explained our client's circumstances to his former landlord and his intention to apply for bankruptcy, the former landlord decided to agree to writing off the total debt and provided confirmation that they

would no longer pursue our client for the arrears. As a result of this our client had a debt of just under £5,000 written off. With this significant debt dealt with the client no longer required to apply for Sequestration and having now dealt with his previous arrears he was able to take steps to secure permanent accommodation. The client has now received an offer of permanent accommodation with a Registered Social Landlord.

Case study 3

We were successful in preventing the eviction of a client and his family, following threat of interdict against their landlord. GLC was consulted by a man who was facing threat of homelessness because decree for eviction had been granted against his partner for rent arrears. It was the position of our client that he had not been made aware of the court action by the Registered Social Landlord ("RSL") who rented the property to them.

Following the decree being granted, our client was made aware of what had happened and was given an ultimatum; clear the rent arrears by the end of April or the decree will be enforced. This would have the effect of evicting our client, his partner and their children from the property.

Our client and his partner had taken entry of the property at the same time and although only his partner's name was on the front of the Tenancy Agreement, they had both signed the back of the agreement as joint tenants. As our client had signed the Tenancy Agreement as such, it was our position that he could only be legally evicted if the RSL had a court order against him as well. It is not enough for an RSL to have a court order against only one joint tenant, in accordance with sections 14 and 16 of the Housing (Scotland) Act 2001.

GLC raised an action for interdict and interim interdict to prevent our client from being evicted without a court order. In response to the action raised, the RSL concerned provided a letter of undertaking that they would

not enforce the decree they had obtained against our client's partner. Following receipt of their letter of undertaking, we made a motion for the court action to be dismissed with no expenses to our client. The RSL now cannot enforce the decree they have obtained, and our client can remain in the property with his family.



LEGAL EDUCATION FOUNDATION AND THE ROYAL BANK OF SCOTLAND

With the support of LEF and RBS we were able to employ two trainee solicitors under the Justice Fellowship programme. Part of the Justice First Fellowship is for trainee solicitors to undertake innovative projects in their second year.

**In the last year,
we handled over
6,000 cases**



PUBLIC INTEREST LITIGATION UNIT (PILU)

PILU seeks to advance human rights, equality and financial inclusion through the use of strategic public interest litigation in Scotland. We have a particular focus on mitigating the impact of the austerity agenda, with its resultant cuts to welfare benefits and essential public services. Public interest litigation is the use of legal action which seeks to advance the cause of minority or disadvantaged groups or individuals, or which seeks to progressively advance issues of significant public concern. We are currently progressing a range of cases involving social care services, charging for non-residential care, homelessness and equality law, and have been working closely with our local MP, Chris Stephens and his team on the treatment of asylum seekers in Glasgow.

GOVANHILL LAW CENTRE

The team at Govanhill provides the service under the Scottish Government's Equality funding and the GCC service to the North East of Glasgow. Core funding has been secured to June 2020. The client group at Govanhill and the high percentage of private landlords in the area creates a very different working environment to that of the main office at Govan. This makes the position of the part time caseworker vital as with her language skills, she has built up a position of trust within the community. Govanhill continues to deal with a large number of emergency illegal evictions, which is very intensive and time-consuming work.

KEY FACTS:

- The service is provided by the Principal Solicitor, Service Manager, Senior Solicitor, Solicitor, trainee solicitor, homelessness caseworker, part time caseworker, legal clerical officer and law student volunteers
- An outreach service is provided at The Well
- Two legal clinics a week are provided at GEMAP and a weekly clinic at Bridgeton Library
- Dedicated home visiting service provided to North East carers

- Regular attendance at local community group meetings
- Over the period we opened almost 221 new files for clients – 10% more than last year.
- Govanhill has been designated as an Enhanced Enforcement Area. This gives GCC greater powers to investigate housing conditions. The Team have worked hard to create a good working relationship with the GCC team to assist clients living in BTS properties.
- Meetings have been held with local councillors, Alison Thewliss MP and Nicola Sturgeon MSP, First Minister, to progress client cases.
- There is 36% private sector housing in Govanhill
- 62% of our clients are in the private rented sector
- 60% of the casework deals with housing issues – evictions, illegal evictions, and properties below the tolerable standard
- 31% of our clients are disabled
- 78% of our clients are BME with 75% having English as a second language or requiring an interpreter

EXAMPLES OF CASE WORK

Case Study 1

Client attended after decree for eviction and payment of rent arrears had been granted against her at Glasgow Sheriff Court. Client resides at the property with her partner and three children. The arrears had accrued after the 'Benefit Cap' had been wrongly applied to her social security income. GHLC lodged a Minute for Recall to prevent the eviction and bring the case back to Court. Thereafter, GHLC was successful in having the action dismissed as incompetent. The Pursuer had failed to carry out investigations into the composition of the household and had failed to serve notices on a qualifying occupier. GHLC was separately able to negotiate an affordable and sustainable repayment arrangement to prevent further arrears an eviction.

Case Study 2

Client is a single mum who lives with her three children aged 5, 9, and 20 months. She fell into rent arrears after

a particularly difficult period where her mum, and sister died and she suffered a miscarriage. Client was struggling to cope and had to stop her employment. She thought she had provided all the information in respect of her benefits but her housing benefit was stopped. She fell into rent arrears. An eviction action had already been raised against the client previously and so they 'recalled the sist' to bring it back to court. Client didn't attend this hearing and it was continued to another hearing where she did appear. It was continued again and sadly the client got the day wrong and didn't turn up at court. Decree was granted and she received eviction papers. There is a procedure to recall that decree which we tried on the client's behalf- the lawyers for the landlord said that wasn't competent. It went to a legal hearing called a debate and the sheriff agreed that it was not competent. We raised an action for declarator, suspension and interdict and reduction in the Court of Session and were successful in ensuring the eviction decree could not be used.

Case Study 3

The Law Centre assisted a BME client to raise a claim for unpaid wages against his former employer. The client was working between 50 – 60 hours every week but only receiving pay for 30 hours per week. The client was assisted through early conciliation and submitting his claim to the Employment Tribunal. During this process the employer dissolved the company and set up a new company on the same premises. A further case management meeting has been set down in the employment tribunal to discuss the legal implications of the client's claim in light of this information, as it is clear there has been bad practice by the employer.

AYRSHIRE HOMELESSNESS AND PREVENTION PROJECT

This SLAB project is run in partnership with a local charity, CHAP, and provides sheriff court representation and support in mortgage repossession cases across Ayrshire. It's funding has been extended to 31st March 2020. There is a good ongoing working

relationship with our partners, AHAP, and GLC continues to carry out internal training sessions for their staff together with a monthly client clinic being held in their offices in Ardrossan.

CHILDREN'S 1ST PROJECT

This SLAB funded service has now been continued to 31st March 2020. The service is provided by the Principal Solicitor, Service Manager and Senior Solicitor for 14 hours per week. Quarterly meetings are held between GLC and Children's 1st. All clients are referrals from Children's 1st advice worker. Telephone advice is frequently provided to Children's 1st caseworkers. File work has included rent arrears, mortgage arrears, housing conditions and consumer matters.

GLC NATIONAL EDUCATION LAW SERVICE

We have hosted, spoken at and attended many events throughout the year. When in attendance, we are often asked to facilitate small working groups during those events due to our specialist knowledge. These events are targeted at various audiences, including fellow professionals, such as local authority personnel, educational psychologists, advocates, parents, carers and young people.

Advice line

We provide an advice line, intended to be a second-tier service. We have received 226 calls in this year to our advice line on a varying range of topics. These questions are of a legal nature in contrast to the advice sought at the commencement of the funding that were of a basic nature.

We continue to grow our online and social media presence. Sharing good practice, articles of interest, legal hints and tips, which is well received and our following continues to increase. We write for SCOLAG every six months, providing an education law update in relation to case, legislation and policy change.



Almost the full team just before our christmas night out. GLC are proud of what we have achieved this year

Govan Law Centre team - our achievements

Last year we handled 6,000 cases, took on 1,500 new clients and appeared in courts and tribunals 1,000 times.

Last year we prevented around 1,500 households from being made homeless. We helped 400 rough sleepers secure accommodation.

We secure thousands of successful outcomes for our clients each year, helping them turn a difficult corner in their lives and securing their legal rights that keeps them safe and well.

We increase incomes of the people we help. Last year in Glasgow, we helped our clients with £5m of housing debt, £2m of personal debt and secured almost £1m of social security

gains for them.

We fight homelessness and rough sleeping. We ensure people have a safe and secure home, so that rough sleeping and homelessness is brief, non-recurrent and rare.

We reach out to vulnerable people. Last year our innovative rights hubs provided our services to over 2,000 people with mental health problems and complex needs.

We reach out to vulnerable communities. In 2018 we provided our services successfully to over 1,000 minority ethnic clients, asylum seekers, refugees, EU migrant workers and Roma.

We champion the rights of vulnerable women. Last year

we provided dedicated legal and support to over 2,000 women who were fleeing violence, single parents facing homelessness, in relationship breakdown and rough sleeping.

We develop new and innovative ways to provide our services. We have set up a Virtual Law Centre to reach rural communities so they can access law centre services.

Our Education Law Unit directly advises Scottish Ministers on how to improve the education of disabled children in Scotland.

Our Education Law Unit helped Scottish Ministers to incorporate the UN Convention on the Rights of the Child into Scottish law.

Strategic Case Work

These are all of a strategic nature, in line with our strategic litigation policy. As some of our casework has come to an end this year, we have recently been in a position to take further case work addressing key issues. The most prominent issues are failure to meet the needs of learners in a mainstream environment, informal exclusions and exclusions from school trips and activities and a failure in totality to provide education at all for some of the most vulnerable children and young people.

Our Education Law Unit obtained a landmark ruling of the Court of Session in the case **City of Edinburgh Council –v- R 2018 S.C. 399, 2018 CSIH 20**, where the local authority’s appeal against a decision of the Additional Support Needs Tribunal was refused in relation to a young person with autism. This case has had a profoundly positive effect on education law in relation to both discrimination in education and planning for children and young people with additional support needs in school.

Our Let’s Talk ASN Scotland service is run in partnership with Barnardo’s in Edinburgh. This contract is funded by Scottish Government and runs for three years to 2021. The service provides advocacy and legal support for families with a right of reference to the ASN Tribunals for Scotland. In the year 1st April 2018 to 31st March 2019, the service:

- 95 new cases opened in the period
- 58 references lodged
- 22 tribunals attended

This year we have been involved in the following groups and consultation work:

- Disabled Children and Young People’s Advisory Group
- ASL Code of Practice Working Group
- AGASL
- Children’s Rights Strategic Litigation Group



Our Education Law Unit advises government ministers on improving the education of disabled children in Scotland.

Examples of our case work include:

Case study 1

This case concerned the refusal of a placing request for a special nursery for a child with additional support needs. The child was four years old with a diagnosis of spastic quadriplegic cerebral palsy, which significantly restricts their mobility. They are unable to walk without aid or assistance. The child had previously attended a mainstream nursery; however, the child’s mother was unhappy with the child’s progress, the lack of communication from the staff and the suitability of the equipment and training of those working with the child.

The child's mother had made a placing request for the child to attend a special nursery which provides a specialist, integrated approach to therapy for children with motor impairments. The Appellant sought a place for the child for their pre-school year in order for them to receive intensive therapy to assist in the development of their mobility. It was the Appellant's wish that following an intensive year of therapy, the child would attend a mainstream school. She was also of the opinion, unlike the authority, that the child's functioning level was still at a pre-school stage and she had sought for the child to be deferred, whatever the outcome of the hearing, to allow her to attend nursery for a further year.

The council had refused the placing request as well as the request for the child to be deferred.

The placing request was refused by the authority under Schedule 2, paragraph 3(1)(f) of the Education (Additional Support for Learning) (Scotland) Act 2004. That is, the authority can refuse the placing request if all of the following conditions apply, namely—

- (i) the specified school is not a public school,
- (ii) the authority are able to make provision for the additional support needs of the child in a school (whether or not a school under their management) other than the specified school,
- (iii) it is not reasonable, having regard both to the respective suitability and to the respective cost (including necessary incidental expenses) of the provision for the additional support needs of the child in the specified school and in the school referred to in paragraph (ii), to place the child in the specified school, and
- (iv) the authority have offered to place the child in the school referred to in paragraph (ii).

Evidence was heard from expert witnesses. The most prudent of which was from the physiotherapist from the special nursery. They advised that with a condition such as cerebral palsy, intense therapy and intervention is required at the earliest possible stage. Generally, if a child was unable to walk by aged seven years, they were unlikely to ever walk. The Appeal was successful.

Case study 2

The client put in a placing request for both of his sons to attend G School. Child A is a six-year-old boy with ASD, with social, emotional issues. He was physically aggressive towards staff and other children. He was excluded from school. Child B is a ten-year-old boy with, ASD, anxiety, self-harming, aggressive towards others and took a literal approach,.

We listened to the client. The client was telling us that he was willing to consider any alternative provision for his children, he just wanted the best for both his children. His children were not coping within the mainstream environment. We lodged the References and a Case statement. We encouraged the client to consider mediation and he agreed. Unfortunately, the client found the mediation process to be negative.

It appeared that the representative from the local authority misunderstood that no offer could be made as the matter had been referred to the tribunal. The mediation session was also attended by the child's advocate and feedback was received. After discussion with the advocate and on receipt of the minutes of the mediation meeting, we liaised verbally with the authority's solicitor. We explained that it seemed that the ASL manager was perhaps unclear of her role. We asked the Respondent's solicitor to read the minutes of the mediation meeting which had been lodged with the Case Statement and reflected what our client had said.

As a result of our input, the Respondent's solicitor offered the appellant a placement for both sons, after a gradual transition. The appellant was very happy. His exact words were, "wow, you have made our year". He was very happy that not only was the decision being overturned but there was gradual transition.

**Our Education Law Unit
helped Scottish Ministers
to incorporate the UN
Convention on the Rights of
the Child into Scottish law.**



PREVENTION OF HOMELESSNESS SERVICES

We have provided our services to 2,234 vulnerable clients over the 2018-19 reporting period, which was 15% increase on 1,939 clients last year.

- 1,503 service users prevented from homelessness
- 404 Rough Sleepers Accommodated
- 211 Accommodated through our Winter Night Shelter Service
- 1,362 Complex and Multiple Needs service users assisted with tailored services
- 1,856 clients had their income increased and personal debt payments negotiated

In terms of debt negotiation, and welfare benefits increase:

- £714,993 of social security gains for clients
- £1,490,777 personal debt payments negotiated

All service users were offered our Financial Inclusion and Financial Capability services targeting debt, multiple debt, debt strategy, accessing basic bank accounts, advice and training in terms of controlling personal finances.

- 1,124 service users uptake and provided with GLC 'Financial Health Check'
- 1,260 service users provided with debt & multi debt solutions contacting creditors making affordable repayments, token repayments or debt right off in accordance with MAS & FCA policy and practice
- 208 service users provided with budgeting, debt and financial strategy advice and training
- 24 previously unbanked service users assisted and supported to open basic bank accounts

We have been very successful in our financial inclusion and financial capability work by providing vulnerable service users and those with multiple & complex needs with welfare rights, money advice and financial inclusion and capability dedicated services. Service users are further empowered to take control of their finances toward improved well-being and meaningful inclusion in society.

Developments: We have seized the opportunity to meet the demands on GLC services and expand and improve our services across Glasgow. We have increased capacity by employing additional staff members and caseworkers. Existing demand for our services is increasing through our Rights Hubs model of outreach both in our Housing and Homelessness and PRS work, but also through new project development to meet the needs of vulnerable people at risk of homelessness in terms of legislative, policy and practice change.



Developments in prevention of homeless services:

1. **GLC expansion of prevention of homelessness services with the Wise Group and the increase in clients in terms of pre liberated prisoners:** some 4,500 prisoners are liberated from Barlinnie alone each year with a third of those liberated into homelessness. We already have a hub based within Wise Group offices and are meeting along with them the new Governor of Barlinnie to provide a direct access hub in HMP Barlinnie – this will increase demand for POHP services and increase service user numbers. Our partnership with Wise group is well established and works well.

2. **The multi-agency City Centre hub service demand and client numbers will further increase;** this hub will be the main centre for homelessness services and will increase demand upwards of 300 per year.

3. **We have recently opened a Rights Hub in Possilpark to address the unmet legal need,** housing and homelessness, financial exclusion and lack of advice agencies in this area of high social deprivation.

4. **Forthcoming legislative/policy and practice change** in terms of rough sleeping/ending homelessness/Multiple and complex needs and in terms of the role out of Universal Credit (UC) will impact in terms of increased demand on our POHP services: Homelessness, Welfare Rights/Financial Inclusion/Financial Capability services.

5. **We have installed a new interview space that will be used** in terms of UC role out issues – as all UC issues and applications require the use of computer/internet/telephone access by the service user who will be supported by GLC caseworkers.

We have an excellent opportunity to meet these service demands through increasing our capacity that will place GLC at the forefront and one step ahead in ending rough sleeping and homelessness with a unique, innovative and holistic service to vulnerable service users.





Case study 1

Mr H was a single man who was suffering from a period of severe depression and anxiety resulting in a prolonged stay in hospital. Prior to his hospitalisation the client's life had spiraled out of control which had seen him being unable to work, having his benefits sanctioned as he was unable to attend the job centre, turned to unsustainable credit to help get by and as his situation became more precarious, was gambling what little money he did have to try and make more back to have enough to survive on. Through family members Mr H became aware that his landlord was raising proceedings for eviction due to the non-payment of rent. The client advised the staff at the hospital of his concerns regarding this and they made a referral to Govan Law Centre through our NHS mental health referral pathways.

Following this referral, Govan Law Centre was able to represent Mr H at the court hearing for eviction and successfully prevented him from being evicted. Since his discharge from hospital Govan Law Centre have assisted the client to maximise his income through a number of benefit applications. In addition, Mr H has been provided with money advice and has been granted temporary breathing space from action from his creditors in order to allow him to stabilise his finances and make an affordable repayment offer in due course that will not cause him undue financial hardship. This in turn will allow the client to better manage his finances and help him better sustain his tenancy thus avoiding the prospect of homelessness in future. The client was also referred by Govan Law Centre for additional support to a specialist agency to help him tackle his gambling addiction. Mr H has advised that the work of Govan Law Centre has made a positive impact on his recovery from ill health.

Case study 2

The Wise Group referred their service user who was detained in HMP Barlinnie and required legal advice. He had received a Court Summons advising that his social landlord had raised an action for eviction and payment of rent arrears against him at Court. His

case was first due to call while he was detained. GLC's trainee solicitor visited the client in HMP Barlinnie and thereafter defended the Court action. GLC were able to persuade the Sheriff not to grant decree for eviction despite the rent arrears being very high. Instead, the Sheriff continued the cause on whether or not it would be reasonable for decree for eviction to be granted for a date sometime after the client's liberation. This allowed time for a referral to be made to our Welfare Rights Adviser so that the client could address issues with his benefits entitlement. The evidential hearing is being prepared for and we are continuing to negotiate with the client's landlord to prevent his eviction.

Case study 3

The client met with his Housing Officer from his Housing Association in prison whereby they stated that they wished him to sign over tenancy, which would render him homeless. His housing officer stated that as he would be in prison for over the 13 weeks housing benefit eligibility period (his sentence was 16 weeks in total) he would therefore accrue rent arrears and 'to save him racking up arrears' and 'being taken to court for eviction, it would be best if he gave up his tenancy'. Through our partnership working with the Wise Group New Routes programme we were able to advise him not to sign away his tenancy and meet with GLC.

GLC Housing and Homelessness caseworker arranged to meet him in HMP Barlinnie to advise him, take instructions and act on his behalf, advising him not to give up his tenancy. As he was on remand for a period of 6 weeks, we were able to get housing benefit to cover that period reducing the overall rent arrears due. An affordable arrangement for outstanding rent arrears was put in place along with welfare benefits entitlement, debt advice and financial capability support making his home secure. With further support from GLC and the Wise Group, he will be able to sustain his tenancy and move back into employment or training in the near future.

STRUCTURE, GOVERNANCE & MANAGEMENT

GLC is a Scottish Charitable Incorporated Organisation (SCIO, Scottish charity number SC047423). GLC is governed by an independent Board of Directors with a wide range of professional skills and life experience. The Board meets monthly and monitors financial management and performance, strategic development and risk, service delivery and performance in relation to our charitable aims and legal obligations and sets the policies of the organisation.

The Principal Solicitor has operational responsibility and accountability for the organisation's service and casework. Legal services are provided by the independent legal practice of Dailly & Co., Solicitors which

is regulated by the Law Society of Scotland and subject to the quality assurance rules of the Scottish Legal Aid Board.

All income of the legal practice is the property of the SCIO. The Principal Solicitor is supported by a Senior Management Team, comprising of the Service Manager, and the Prevention of Homelessness Services Manager, and the law firm's legal Partner (appointed November 2018). The organisational diagram below sets out the internal governance and management structure of GLC.



GOVAN LAW CENTRE

Thank you to all our funders:



A B Charitable Trust



Govan Law Centre use the law to fight poverty, discrimination and disadvantage
govanlawcentre.org