

GOVAN LAW CENTRE ANNUAL REPORT August 2017



FOREWORD & CONTENTS

Foreword by Chair of Govan Law Centre Thomas McMahon

I am delighted to present another fantastic year for Govan Law Centre.

I want to thank staff, volunteers and board members for their hard work and commitment. It's a tough job to represent people in difficult circumstances but also to keep the funding coming in and ensuring we meet our obligations.

Everyone, not just those who can afford it, must have access to high quality, professional legal services. In fact, in our view vulnerable people now need legal services more. This is why we take our services out into the community with more home visits, rights hubs, community surgeries and why we work in partnerships with other organisations.

We also know the law plays a crucial part in tackling poverty and discrimination and we are determined to play our part in improving the lives of the poorest and most vulnerable people.

We hope you agree that Govan Law Centre has been doing a good job: preventing homelessness, increasing incomes, improving housing conditions, helping clients to repay debts and righting injustices.

However we are never complacent, we know the face of poverty continues to change. We know we must continue to learn and develop our services to meet the changing needs of vulnerable people: our ageing population, increasing numbers of those in low paid work, increasing numbers of private tenants, people who are coming to live here in a new country, those who feel vulnerable because of our changing relationship with the world, or the persistence of poverty and discrimination in our communities.

We will continue to do our best to ensure Govan Law Centre continue to be here to fight for those who need our support.

Thomas McMahon
Chair of Govan Law Centre

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OBJECTIVES & ACTIVITIES

In order to achieve our charitable objectives the Board of Trustees sets both the strategic direction and policy of the law centre, and monitors its performance in relation to financial management and public services, and the delivery of its overall strategic objectives, on a monthly basis. Our aim is to use access to legal education, advice, and representation to tackle unmet legal needs, discrimination and poverty in Scotland and it has been another very successful year for Govan Law Centre (GLC) in that regard. 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 at the highest standard.

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 legal services to vulnerable clients with unmet legal needs. One of our core partners, Glasgow City Council (GCC) confirmed our future funding for the Financial Inclusion Service in the South and North East of Glasgow. Our level of funding remained the same this year, and continuing funding was confirmed for 2017-18 at the same level while some service providers received cuts to their funding.

The Scottish Legal Aid Board (SLAB) confirmed that funding for our two projects – Ayrshire Homelessness and Prevention Project (AHAP) and our partnership with Children’s 1st - is to be continued to 31st March 2018. The Scottish Government 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 funding from the Royal Bank of Scotland (RBS) and LEF to recruit an additional trainee solicitor commencing in January 2018; the recruitment process opened on 14 August 2017. The trainee will be part of the Justice Fellowship programme, and LEF has also contributed to the costs of TCPD and management.

Our national Education Law Unit (ELU) secured funding for a further three years funding for its strategic litigation project and, after meetings with Scottish Government, a further year of funding, from 1st April 2017 to 31st March 2018 has been agreed for our ‘Let’s Talk’ project.

From December 2016 to the end of March 2017 our Prevention of Homelessness Project (POHP) provided a dedicated early morning service at the Glasgow City Mission’s Winter Night Shelter, thanks to financial support from the Rangers Charity Foundation. Our legal and casework interventions helped almost 200 hundred rough sleepers in Glasgow secure accommodation. We undertook a number of judicial reviews at the Court of Session on behalf of vulnerable rough sleepers; and a variety of other judicial reviews across a range of legal fields.

Throughout the period, efforts were concentrated on increasing self-generated and legal aid income and securing a more efficient return of outlays to secure ongoing and future services provided by GLC

FINANCIAL REVIEW & PLANS FOR FUTURE

As our service continues to expand, we have strengthened internal operational governance including the introduction of additional reporting and accountability mechanisms, and new processes to improve strategic thinking and development, which are set out below under the heading, 'Structure, Governance and Management'.

Our Board has implemented a 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 monthly 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 have a robust financial management system in place to maximise income and secure the recovery of third party outlays. We have reserves in place for almost six months of service.

We entered into a new five-year lease (with appropriate break clauses) for our main offices at Orkney Street, taking on additional space to meet our growing needs. We received funding from the AB Charitable Trust in May 2017 to launch our Glasgow Asylum Seekers Project.

Last June we were notified that our application to the Big Lottery Fund was successful and we were awarded £454,780 over three years to establish our dedicated Private Rented Sector Tenants (PRST) project city wide. The PRST project is a dedicated and specialised team made up of: Coordinator/Senior Caseworker, Financial Capability/Inclusion caseworker, Welfare Rights Caseworker

and a Solicitor. The team operates from GLC and is providing fantastic outreach work across the city and from within Glasgow City Councils Homelessness Services Community Casework Teams to ensure we reach the most vulnerable PRS tenants.

In 2016/17 we launched Scotland's first Personal Insolvency Law Unit. The pilot project provided both first and second tier specialist insolvency advice and representation to both consumers and front line, free sector advisers who are dealing with clients struggling with debt. We were unable to source continuing funding to extend the pilot at this stage, however, the project has had a number of major successes while increasing staff capacity and experience in this complex field of law.

In August 2017, we secured funding of £100,000 from the Bank of Scotland in relation to providing holistic advice and legal representation services to homeless people in Glasgow with complex needs. This includes rough sleepers, and those discharged from the armed forces or hospital without suitable accommodation, as well as those released from prison. We are also continuing to work with one of our key strategic funders, the Oak Foundation, in relation to our case work and strategic policy work with respect to tackling homelessness and alleviating poverty and social injustice.

Following Scottish Government best practice, GLC incorporated as a 'Scottish Charitable Incorporated Organisation' (SCIO, number SCO47423) on 17 May 2017. There are no practical or operational changes here other than GLC's legal status becoming a SCIO as opposed to a Trust (future reports will from the 'Board', as opposed to the 'Trustees').

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Parliamentary and Social Policy Unit (PSPU)

In July last year we expressed our concern to the Minister for Business, Innovation and Energy in Scotland, Mr Paul Wheelhouse MSP, that many creditors were gaining a massive financial windfall at the expense of financially vulnerable people in Scotland who are finding it tough to make ends meet. The financial windfall for creditors occurs because of a lacuna in the law. Scotland's judicial rate of interest has remained at 8% per annum, at a time when inflation has been at a historic low for many years; as has the Bank of England's base rate, which remains at 0.25%.

To give a practical example. GLC had a client who entered into a protected trust deed just over a decade ago with a mix of unsecured loans, credit cards and overdrafts in the sum of £27,321. Our client owns a house in Glasgow South West with equity, has four dependent children and his wife has recently died from cancer. This family now faced repossession.

Our client made his monthly payments over the years without fail to the trustee, and was advised by the insolvency firm to enter into this arrangement with a view to re-mortgaging at a later date, however, this was prior to the financial crisis. Just over a decade later and our client owes those creditors a staggering £52,507. We believe this is grossly unfair. A further additional £14,736 is owed for the fees of the trustees and their solicitors (the overall sum due is £75,474 on a debt of £27,321; and this sum is growing daily).

We were honoured to take part in a briefing from Turkey's Kurdish human rights lawyer and Vice-President of the Human Rights Association (IHD), Muharrem Erbey at UNISON Scotland's Glasgow HQ last July. Mr Erbey had been imprisoned without trial for five years under Turkey's 'Anti-Terror Law' since December 2009 on charges of 'membership of an illegal organisation'. He still awaits trial and is facing

a further 15 years in prison if convicted; however, the charges against him are linked to his work as a human rights lawyer.

We submitted a parallel report to The UN Committee on Economic and Social Rights UK review last year, to let the UN know about the housing issues affecting our clients and the community we serve. This project was supported by the Legal Education Foundation through its Justice First Fellowship scheme. Our report told the Committee about: homelessness and rough sleeping in Glasgow; experiences of tenants in the private rented sector; people with disabilities who are threat of losing their home; and asylum seekers housing rights.

We spoke at the People's Assembly Scotland conference in September in Glasgow on the issues of austerity, poverty and the cost and quality of private rented sector accommodation in Scotland. In November we called for new social security powers at Holyrood to be used to fund an increase in child benefit. We suggested a new draft Child Benefit (Scotland) Bill that would add £5 per child per week to child benefit. Such a policy would lift 30,000 children out of poverty in Scotland, at a cost of £256m a year.

In December we launched a significant report from our pilot Personal Insolvency Law Unit, which is available here: <http://www.govanlc.com/GLCinsolvencyreport.pdf> Our concerns were supported by The Herald newspaper in Scotland whose editorial said: "A protected trust deed failure rate of 9 out of 10 must send alarm bells ringing to members of the Scottish Government and Scottish Parliament. The evidence is 'disturbing'. Behind the statistics are human tragedies. Insolvency can and does happen to anyone. The prospect of paying thousands of pounds for a service that all too often is doing nothing to help either consumer or creditors in Scotland is unacceptable".

In January this year we launched a radical manifesto for Scottish local government, setting out life changing policies that would lift people out of poverty, hardship and disadvantage. In February we be-

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gan offering our clients in Glasgow a new “financial health check” to provide tenants with a breakdown of their income by source and an analysis of their expenditure; an insight into their household fuel use and an indication of whether they are suffering fuel poverty; and an analysis of their debts and monthly debt payments as a percentage of their net monthly income.

On 21 March 2017, representatives of Govan Law Centre gave evidence to the Scottish Parliament’s Economy, Jobs and Fair Work Committee on the draft Bankruptcy Fees (Scotland) Order 2017, along with the Institute of Chartered Accountants in Scotland. We were all in agreement that the proposed regulations were ill-advised, unfair and should be rejected pending a full review of how the Accountant in Bankruptcy is funded, and operates, particularly in relation to duplicate or unnecessary roles, and conflicts of interest. Our social policy work here resulted in the revocation of the 2017 Fees Order, saving financially vulnerable homeowners significant sums of money across Scotland.

Strategic test case and court work

Examples of our strategic case and court work include:

[1] In early June last year our Principal Solicitor represented the Greater Govan community across the G51 postcode area in relation the first ever public hearing on a proposed traffic regulation order in Scotland. The hearing considered Glasgow City Council’s proposals for a “shared parking” scheme in neighbourhoods surrounding the new Queen Elizabeth University Hospital (QEU).

GCC limited parking spaces within QEU to 3500 spaces – most of these for out-patients and visitors. This forced the 10,000 hospital workers onto the streets around the hospital. As a result local residents are unable to find parking in streets where they live. 18 months ago, GCC proposed a “shared parking” scheme for the area with parking meters on

all streets. Local residents rejected the GCC proposals with almost 4,000 objection letters being sent to the Council. They formed the G51 Free Parking Group who submitted their alternative parking scheme supported by the community to the Council.

The community believed that only the G51 parking scheme would effectively give priority to residents for parking in G51 area. Locals were incensed that the GCC scheme meant that visitors to residents, including unpaid carers, would need to pay for parking on every visit. Local shops who relied on “passing trade” also wanted the G51 alternative scheme to retain parking for their customers, and to avoid shop workers being charged £700 each year to park at their place of work. Following the public inquiry, the independent Scottish Government Reporter published a full report which largely accepted the objectors’ concerns, and recommended a 70% reduction in charges. The report which runs to 89 pages is available online here as a PDF: <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=35307&p=0>

[2] In July last year we successfully defended an ordinary cause action at Glasgow Sheriff Court for an alleged consumer credit debt of £7,500. Cabot Financial UK Ltd claimed they had purchased the debt from OPUS Credit Card (a trade mark of SAV Credit Ltd) in September 2011. Our client had no recollection of ever having this credit card, and had no paperwork in relation to this credit agreement.

The action was defended upon the basis the defender was not due the debt. The pursuer was called upon to lodge in court the original regulated consumer credit agreement, a statement of how the debt was accrued and a copy of the assignation agreement of the debt. They failed to do so, and agreed to dismiss the action against our client with no expenses. The case raised wider issues in relation to the general practice of the buying and selling of consumer debts in Scotland and the UK. Court actions are being raised when the purchaser of the debt would appear not to have proof of the legal constitution of the debt - that should not happen. GLC was concerned that debts are being pursued which have ‘prescribed’ and been extinguished in law.

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[3] Our in-house Solicitor Advocate secured permission for a petition for judicial review to proceed which challenges a decision of a social work complaints review committee that was subsequently ratified by a local authority. Counsel for the local authority had argued before Lord Pentland on 29 July 2016 that the petitioner had failed to exhaust his remedies and ought to have complained to the Scottish Public Services Ombudsman (SPSO). The failure to do so, it was argued, rendered the petition for judicial review incompetent, and therefore it fell to be dismissed.

The defender relied on the cases of *W v. Scottish Ministers* 2010 SLT 65 and *McCue v. Glasgow City Council* 2014 SLT 891 - none of which addressed the specific issue of the SPSO. The petitioner argued that having regard to the terms of the Scottish Public Services Ombudsman Act 2002 and the jurisdiction and powers of the SPSO thereunder, and the SPSO's own guidance on social work complaints, it was clear the SPSO could not deal with the subject matter of the petition - which claimed the council's decision was *Wednesbury* unreasonable and irrational in law - nor could the SPSO provide the remedy of reduction, which the petition sought.

Lord Pentland rejected the local authority's arguments on this point, and held that the SPSO did not oust the jurisdiction of the Court of Session in a petition for judicial review that claimed a social work decision decision was unlawful; and sought reduction of that decision.

[4] A client approached GLC very panicked and upset because she had been served a charge for payment from sheriff officers. The debt was over £3000 and therefore she was at risk of sequestration, the charge stated. She owned her home and therefore this debt could have made her homeless as the sale of her house could have been forced by the creditor. The debt was from her daughter's former landlord, through a letting agency well known to the law centre, and was for spurious charges including a cleaning bill for over £2000 and unlawful premiums (charges in addition to rent). The debt was served automatically on the mother as she was the

guarantor and this had been registered in the Books of Council and Session. This allowed the agency to serve the charge immediately without the matter calling in any court. GLC applied for urgent legal aid, obtained sworn statements from the mother and daughter disputing the charge, and successfully sought an interim interdict in the Court of Session, which was served on the landlord to prevent any action being done to sequester the mother and risk her home being sold.

GLASGOW CITY COUNCIL GRANT FUNDING 2015-2018

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 organizations 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.

The service provided in the North East was altered to provide a better 'cover' of the area. In working with Glasgow Life, a weekly legal outreach was established in Bridgeton Library and this has proved successful in its second year with 44 new clients using the service. The service is also designed to allow returning clients to make follow up appointments at the library to avoid them having to travel unnecessarily.

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The dedicated home visiting service provided to NECC and EECC clients continues to be very popular and demand is constant. This allows legal services to be provided to carers and their family members within their own home avoiding the problems leaving the house entails. This service is by referral from the 2 carers organizations only.

In the 12 month reporting period of 1st April 2016 to 31st March 2017, GLC opened 1,059 new Type 2 cases and 941 Type 3 cases (426 of these were housing). A total of 1,353 new clients were assisted. The figures show an increase in new clients seen and 143 more Type 3 cases handled in 2016/17 than the previous year. This indicates an increased demand for our specialist legal services and an increase in the complex legal work carried out.

Assistance has been provided to clients at Type 2 and 3 in debt, welfare right, housing, employment and other legal matters such as Powers of Attorney and Guardianships.

Section 11 referrals for the South and North east of Glasgow continued to be received by GLC on a fortnightly basis until the middle of the reporting period when Castlemilk Law Centre began to receive the sec 11s for their area and LSA began to receive the section 11s for what was the Glasgow North portion of the current Glasgow East area.

A section 11 letter is a legal intimation that the person is under threat of losing his/her home due to eviction/repossession. On receipt of the list, every client is written to requesting that they contact GLC for assistance in the proposed court action and to support them in maintaining their home. The standard letters issued to those under threat of eviction/repossession were altered to inform them that they could attend any Law Centre over the city, rather than the one in their area, resulting in GLC acting for several clients out with our stated areas.

In the North East, where there is a specialized Housing Vulnerable Caseworker, further follow up is undertaken to engage with these clients and specialist support provided to prevent homelessness or to assist in rehousing, if necessary. 1,220 section

11 letters were issued in the reporting period - an increase from 750 in the previous year.

KEY FACTS

GLC has provided court/tribunal representation throughout the period:

- Housing cases - 496 procedural hearings and 87 full hearings carried out
- A 20% increase in "Type 3" cases (cases which involve sheriff court or tribunal representation) from 798 cases in the last financial year to almost 1,000 this year
- Employment tribunals - 4 procedural hearings and 10 full hearings attended and other legal - 114 procedural hearings and 66 full hearings.
- 1,353 new clients have been assisted by GLC within the reporting period. The assistance provided is extremely varied requiring expertise in many areas by the dedicated staff. Many of the cases require intensive and complex work. Assistance was provided in housing, homelessness, employment, debt, welfare rights and legal matters.
- GLC assisted 260 'homeless' people within the period and resolved or prevented homelessness successfully in 590 cases. The living conditions of 292 clients were improved and better affordability in 138 cases achieved.
- The total housing debt handled within the year was £5,920,241.93 an increase of 10% from the previous year.
- GLC accrued a total of £412,747.10 in financial gains for our clients.

LEGAL EDUCATION FOUNDATION & 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 Fellowship is for trainee solicitors to undertake innovative pro-

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jects. Our second Justice Fellow, Irzum Mahmood has been undertaking a wide range of housing and social welfare casework across our Govan and Govanhill offices and is in the process of developing an innovative access to justice project in Glasgow. A third Justice Fellowship trainee solicitor will commence working with GLC from January 2018.

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 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, one trainee solicitor, 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 from 1st January 2017 to 30th June 2017, we have opened a total of 147 new files (266 new files opened in the year 1st July 2016 to 30th June 2017) with 132 ongoing files as at 30th June 2017.
- 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 was participation in a panel at the Scottish Human Rights Commission event
- Govanhill houses 70% of Scotland's Roma community
- 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

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EXAMPLES OF CASE WORK

Mr R and his wife live in a private tenancy with their four children. They originally presented for assistance with their housing application to the Housing Association, but throughout their appointment and further contact with us, it transpired that there are a number of other issues which required urgent attention.

They are living in extremely poor conditions and their electricity had been cut off by their supplier. They were not aware of their rights or the assistance they could obtain, and were wary of divulging information, but after gaining their trust we are attempting to resolve their housing situation, and assisting them with other issues, including their benefits. We are now working closely with them to rectify their housing problems and to maximize their income.

Client A has an ongoing case re her PIP appeal. She made her 1st claim for PIP in 2014. In 2016, DWP superseded the decision and cancelled her award. This was because they believed that she did not pass past-present test and did not have any other right to reside to claim the benefit. A huge overpayment was created by this decision. We appealed the decision on the basis of EU co-ordination rules. A new claim was made in September 2015. This claim was rejected for the same reason. We appealed this decision on the basis of having a right to reside as a dependent family member of a person with 'worker' status. We contacted Slovakian authorities and got extensive information about the client's benefits in Slovakia. We contacted all family members and their employers to get a proof of their employments. The Tribunal hearing was twice postponed due to awaiting for information. In December 2016 the Tribunal hearing took place. We received the decision in February 2017 and it was in favour of our client. The DWP did not agree with the decision and requested a statement of reasons from the judge. This was provided at the end of March 2017. DWP had a month to appeal to the Upper Tribunal if they believed there was an error in law. By July 2017, we have not received any reply from DWP and it is likely that appeal is not going to go ahead. However, we are still awaiting the final decision.

Client B had to stop working after his father took a second and very serious stroke. Client B was already in receipt of Carer's Allowance for his father and as he stopped his employment, he decided to make a claim for Income Support.

His father was paralysed after the stroke and that meant that his son had to look after him on daily basis. The claim for IS was refused as DWP believed that the client did not have the type of right to reside, which was necessary to have in order to get this benefit. The decision was appealed on basis of the client having 'permanent right to reside'. The case was heard at the Tribunal but adjourned due to further evidence. DWP is still refusing to recognize the award. The Subject Access Request Data office was contacted and we requested all information about client's work history. We contacted all employers and received a reply from most of them. Currently, we are still awaiting information about the 1 month gap which we found between the client's employments. This will be a decision point for successful/unsuccessful case. Negotiations with DWP are still opened.

Client C attended for assistance in respect of windows that had been installed to a poor standard in her property. The client has recently lost her husband and had used her savings to pay for her windows to be replaced.

Due to the poor standard in which the works had been carried out, there was continual water ingress into the property. The Law Centre contacted the company responsible for installing the windows requesting them to bring the works up to standard. The company failed to do so and disputed liability. An architect was instructed who found that the water ingress could be prevented by carrying out remedial works on the window. A copy of this report was sent to the company who failed to response.

The client then sought the Law Centre's assistance in raising a court action for specific implement failing which return of the sums she paid to the company for installing the windows. This action went through the new simple procedure and the client was successful. During this process Companies House were

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in the process of trying to remove the company from the register due to their failure to provide accounts. The Law Centre contacted Companies House advising of the client's claim and they agreed to suspend dissolution action until the outcome of the case was known. Now that a decision has been granted in our client's favour we are discussing enforcing the court decision.

We will continue to fight for better living conditions for our clients. At the present time, GLC has a Reclaiming Motion (Appeal) in Scotland's highest civil court (Inner house, Court of Session) on behalf of a BME client in Govanhill concerning a very significant housing repair grant. The date for the appeal hearing has been set for 13th October 2017.

AYRSHIRE HOMELESSNESS AND PREVENTION PROJECT

This SLAB project is run in partnership with a local charity, CHAP, and provides representation and support in mortgage repossession cases. It's funded has been extended to 31st March 2018. 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 clinics being held in their offices in Ardrossan.

CHILDRENS 1ST PROJECT

This SLAB funded service has now been continued to 31st March 2018. 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

NATIONAL EDUCATION LAW SERVICE

We have hosted, spoke at and attend 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 316 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 which 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 following continues to increase. We write for SCO-LAG six monthly, providing an education law update in relation to case, legislation and policy change.

Strategic Case Work

We have approximately 25 cases in this area. These are all of a strategic nature, in line with our strategic litigation policy. As some of our case work 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.

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In each case there has been a benefit to the individual, however, the consequences are far reaching. In the last year we have made use of previous key cases to achieve positive results for learners without the need for protected litigation as was the case when the issues first arose. An example of this would be the use of *M v Fife Council* 2014 GWD 32-630 in improving transition for young people (post 18) to adult services.

Advisory Group for the Guidance on the Presumption of Mainstream (AGGPOM)

We are involved in the drafting of guidance through attendance at AGGPOM. This is a 'hot topic' at present having recently been debated in parliament following the Enables campaign 'Included in the Main!?!' We are further involved in this process through attendance at AGASAL.

Advisory Group for Additional Support For Learning

We are actively involved in meetings, where key areas of interest are currently, outcomes framework, review of the presumption of mainstream guidance, amendments to guidance of s70 complaints, school governance, updates on the Doran Review.

Strategic Litigation Group

We engage in a strategic litigation group led by Clan Law, the key feature in this training and support network in relation to potential judicial review. We recently facilitated working groups at a large event organised by Clan.

Let's Talk ASN service

This service is run in partnership with Kindred in Edinburgh. This contract is funded by Scottish Government and is due to come to an end in March 2018. The service provides advocacy support for families with a right of reference to the ASN Tribunals for Scotland.

In the year 1st April 2016-31st March 2017, the service:

- Opened 90 new cases
- 73% Placing Request Cases

- 24% CSP Cases
- 3% Transition Cases
- 89% Resolved without the need for a hearing (inc. 1 Paper hearing)
- 81% Positive Outcomes (of cases resolved)
- 36% Ongoing

The ongoing ASL Advocacy group continues to meet and provides training and encourages the continuity of practices and standards amongst members.

Let's Talk ran a training day for support groups in September 2016 with over 20 attendees. The event attracted groups from all over Scotland and was a very informative day explaining the service and providing updates on the law.

It also served as an excellent forum for like-minded people to get together and share their views. It was also an excellent networking opportunity.

The annual conference took place on 29th March 2017 in Glasgow. This event is aimed at local authorities and we were delighted that, after a relatively poor attendance in 2016, the event was fully subscribed with over 20 on the waiting list. The event attracted an excellent array of speakers. From the feedback received, one of the highlights was the input of young people with ASN who gave speeches to the workshops.

PREVENTION OF HOMELESSNESS SERVICES

Our Oak funded project 'Homelessness Prevention and Beyond' is tasked to extend GLC's Rights Hubs to NHS mental health services project to: prevent vulnerable individuals becoming homeless; create a legacy of established referral routes within mental health services; and to link housing casework with advocating for policy change.

This has produced the following results and outcomes from the casework data 2016/17.

ACHIEVEMENTS & PERFORMANCE

A total of 1,034 clients provided with our services from our community based Rights Hubs and Referral Pathways resulting in 173 (16%) “one off” advice & representation casework provided to organisations, agencies, service users and their representatives included:

- Advising tenants rights/home owner rights and information
- Advising on private tenancy rights responsibilities including tenants deposits
- Advice on benefit applications and entitlement
- Patient Rights and support - Mental Health inpatients and community services
- Signposting to appropriate agencies and services

861 clients with casework providing the following outcomes:

- 558 clients at risk of homelessness through eviction, repossession and other actions by landlord across all tenures Prevented from Homelessness; 558 of 558 = 100% at risk clients prevented from homelessness
- 207 of those 558 or 37% of those at risk of homelessness where Private Rented Sector Tenants prevented from homelessness; unlawful eviction, harassment from landlord / landlords agent and repairs issues successfully dealt with
- 303 clients presenting as homeless, provided with alternative temporary and permanent accommodation through our intervention as per statutory homelessness rights
- 116 of those 303 or 38% clients presenting as homeless where Rough Sleepers/ Street Homeless clients accommodated through our intervention

Local authority statutory homelessness duties:

- 344 clients casework provided with dedicated solicitor legal intervention advice and representation with statutory organisations, local authority, government organisations
- 15 Judicial Reviews have been successfully heard & won in Edinburgh’s Court of Session by GLC’s

Mike Dailly Solicitor Advocate - clients were previously denied their statutory rights in terms of homelessness now accommodated through our intervention and from the successful judicial review case being won by GLC (they were also temporary accommodated from when we took up the case)

- 156 GLC letters on clients behalf to Glasgow City Councils Homelessness Services Threatening Judicial Review (directly challenging GCC decisions - intentionally homeless, no recourse to public funds, no local connection and other decisions) if client not accommodated in terms of Statutory Homelessness Rights - clients accommodated
- 274 clients casework provided with Money Advice, Debt services, Financial Health
- Check, Financial Capability and Financial Inclusion services
- 56 clients assisted with Employment Issues
- 162 or 19% of clients in work

Welfare benefits entitlement and increase:

- 787 clients benefits entitlement including tax credits checked (74 clients declined benefits check)
- 504 correct welfare benefit and tax credit entitlement
- 239 assisted to claim entitlement to benefits, further benefit entitlement, increased benefits and tax credit
- 230 or 96% of those requiring assistance, support and representation to challenge benefits issues successfully
- 83 JSA & Benefit Sanctions successfully challenged and benefits restored
- 64 successfully challenged without the need of further appeal or review
- 161 successfully challenged through Mandatory Reconsideration
- 28 successfully challenged through Appeal
- 14 successfully challenged through Upper tribunal representation

ACHIEVEMENTS & PERFORMANCE

Glasgow Winter Night Shelter casework from 3 December 2016 to 3 March 2017

The Glasgow Winter Night Shelter (GWNS) delivers vital and much needed emergency accommodation as an alternative to people having to 'sleep rough'; providing a warm, safe, secure environment with trained staff and volunteers to help them. GWNS is very much an example of excellent partnership working, each partner bringing their area of expertise to provide the service user with the support, assistance, and legal advice and representation which Govan Law Centre was privileged to provide.

From 3rd December 2016 to 31st March 2017 with two Rights Hubs per week we provided legal advice and representation, housing & homelessness casework, included:

34 Rights Hubs Sessions averaging 3.5 hours per session. 119 hours on site at WNS West Campbell Street LHM. More than 300 hours dedicated to WNS client casework

258 service users seen by GLC who stayed overnight at the shelter. 61 service users one off advice & representation casework provided to organisations, agencies, service users and their representatives included:

- Advising tenants' rights/home owner rights and information
- Advising on private tenancy rights responsibilities including; Tenants deposits
- Advice on benefit applications and entitlement
- Patient Rights and support - Mental Health inpatients and community services
- Signposting to appropriate agencies and services
- 197 service users assisted and accommodated

The winter night shelter services will continue at least until 2018/2019 with funding from various sources and with a £75,000 grant from Rangers Football Club Charity covering 3 years from 2015/2016.

Community Based 'Rights Hubs' Glasgow South Sector:

- Leverndale Psychiatric Hospital
- SAMH (Scottish Association for Mental Health) Homelessness and Housing Support
- South Sector Social Work Homelessness Services
- T in the Pot, Govan - women only service, violence against women/domestic violence
- Pollok - Chris Stephens MP constituency office
- The Well, Multi-Cultural Resource Centre, Govanhill
- Govahill Law Centre office

Glasgow North West Sector:

- Gartnavel Hospital Psychiatric Unit - 10 wards covered
- Netherton Community Centre
- Anderson Community Action

Glasgow North East Sector:

- Stobhill Hospital Psychiatric Unit - 8 wards
- Parkhead Psychiatric Hospital - 2 Wards
- North East Sector Social Work Homelessness Services
- Parkhead Library
- Westwood Business Centre
- Blairtumnock Housing Association

Glasgow City Wide City Centre base Hubs:

- Winter Night Shelter - Lodging House Mission (1st December 2016 to 31st March 2017) This provides an added value service for our most vulnerable client group, due to our Oak Funded has brought in this additional funding by way of a donation to carry out this work. The donation came from Glasgow Rangers Football Club as part of their charitable work in association with Glasgow City Mission & the Winter Night Shelter Partnership
- Glasgow City Mission
- The Marie Trust
- RSVP (Rough Sleepers & Vulnerable Persons) Simon Community London Road Glasgow Cross

ACHIEVEMENTS & PERFORMANCE

NHSGGC referring Agencies and NHS funded projects and voluntary sector organisations utilising the dedicated referral pathway across Glasgow:

- Leverdale DART team, staff & patient representatives
- Gartnavel staff, Patient Affairs & patient representatives
- Stobhill Staff & patient representatives
- Parkhead Staff & Patient Representatives
- GEMAP (Greater Easterhouse Money Advice Project) also based in Parkhead Hsp
- Womens Aid
- Glasgow City Council Social Work adult care services
- Glasgow Carers Centre's
- Community Alcohol Support Services Glasgow
- Govan Health Centre
- Community Mental Health Resource centres
- Easterhouse Health Centre
- GCC Homelessness Services
- Glasgow Homelessness Day Centres
- SAMH
- GAMH North West (Gartnavel)
- Simon Community Rough Sleeper & Vulnerable Person team

STRUCTURE, GOVERNANCE & MANAGEMENT

GLC is a charitable trust, registered in the Books of Council and Session, Scottish charity number SC030193. GLC is governed by an independent Board of Trustees with a wide range of professional skills and life experience. The Board meets monthly and monitors financial performance, strategic development, service delivery and performance in relation to our charitable aims and legal obligations, and sets the policies of the organisation. As noted in this report, we are in the process of migrating to a Scottish Charitable Incorporated Organisation (SCIO, Scottish charity number SC047423) structure, in accordance with Scottish Government best practice. This will have no impact on our operation or governance.

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 charitable trust. The Principal Solicitor is supported by a Senior Management Team, comprising of the Service Manager, and the POHP Manager.



Govan Law Centre is a charitable trust, registered in the Books of Council and Session, Scottish charity number SC030193. GLC is governed by an independent board of trustees .

GLC principal solicitor has operational responsibility and accountability for the organisation's legal service. Legal services are provided by the independent legal practice of Dailly & Co. Solicitors who are 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 Govan Law Centre Charitable Trust.

For further details please contact us

phone: 0141 440 2503

fax: 0141 445 3934

email: m@govanlc.com

If you need legal advice please phone us on 0141 440 2503

We will discuss your issue with you so we can understand your needs. Then we will either make you an appointment with us or we will advise you who else you should contact for help. Our legal services are free, confidential, independent and provided by fully qualified solicitors and specialist advisers.

Govan Law Centre

Orkney Street Enterprise Centre (Units 4 & 6), 18-20 Orkney Street, Glasgow, G51 2BZ.

Govanhill Law Centre

Samaritan House, Lower Ground Floor, 79 Coplaw Street, Glasgow, G42 7JG
