



Annual Report 22/23



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, guidance, advice, and representation to tackle unmet legal need, discrimination and poverty in Scotland.

In that regard, 2022/23 was a very successful year for Govan Law Centre (GLC) despite the ongoing challenges of the cost of living crisis and the necessity for ongoing changes to our working practices. Throughout the reporting 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. Our services are accredited to Type 3 advice and representation with the Scottish Government's *Scottish National Standards for Information and Advice Providers*.

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) indicated funding will be continued until March 2024 for our Financial Inclusion Service in the South and North East of Glasgow, before GCC rolls out its new funding arrangements for advice agencies across the city. Since 2020, GLC has sustained a 31% cut in GCC funding and has implemented a positive mitigation strategy to off-set this loss of around £70,000 per annum.

GLC has robust empirical evidence on how it demonstrates first class value for money and is confident it will continue to secure new income streams. In 2022/23, we turned every £1 of Glasgow City Council funding into over £7 by leveraging in additional income, which is spent on improving the health and financial wellbeing of Glaswegians.

This report gives but a snapshot of the thousands of successful outcomes we achieve for our clients each year, helping them turn a difficult moment 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 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.

ACHIEVEMENTS AND PERFORMANCE

Preventing homelessness

For the two-year period of 2021-2023, the impact of the services provided by GLC was:



- handled 9,538 Type 1, 2 & 3 cases
- assisted 1,719 new clients in Type 2 & 3 work
- assisted 168 applicants in homelessness cases
- prevented 594 households being made homeless
- improved the living conditions for 853 clients and improved debt affordability for 253 clients
- received 261 referrals from GAIN agencies
- received 191 referrals for external agencies

Whilst every effort was made to settle cases outwith the courts or tribunals, during this period GLC represented clients in:

- 62 full hearings for social rented and private tenancies
- 171 procedural hearings in rent and mortgage arrears.

The emergency measures put in place for the pandemic and now partly continued for the cost of living crisis, prevented many eviction actions being wither raised or progressed allowing many of our clients the opportunity to stay in their homes and negotiate repayment of rent arrears. The Cost of Living (Tenant Protection) (Scotland) Act 2022 permits eviction for rent arrears at a certain level of debt and regulates the level of an annual rent increase, however that protection is due to end in March 2024.

We were successful in the Outer House of the Court of Session judicial review of *X v. Glasgow City Council* [2022] CSOH 35, the first test case on the impact of the 2014 Unsuitable Accommodation Order and the Equality Act 2010 for the needs of larger families with a disabled child in temporary homeless accommodation.

In the appeal case of X, our Solicitor Advocate appeared as junior counsel with the Dean of the Faculty of Advocates, Roddy Dunlop K.C. Unfortunately, the Inner House of the Court of

Session allowed the council's appeal and we have now sought permission to appeal from the UK Supreme Court. Shelter Scotland have lodged a written intervention to support our client's application for permission to appeal.

Total amount of client financial gains	£786,453
Total amount of debt (non-housing) managed for clients	£950,465
Total amount of debt (housing) managed for clients	£2,441,306

Maximising client incomes

Our strategic test case of *HM Revenue and Customs v. Adnan and Adnan* 2022 SLT 97 secured the right for UK refugees to seek backdated child tax credits. The decision of the Scotland's highest court was followed by the England & Wales Court of Appeal in *R (DK) v. HMRC* [2022] EWCA Civ. This was a Govanhill client's case from The Well - a grassroots organisation who had made an appointment to apply for tax credits.

In February 2023, GLC was successful in a UK social security test case concerning the payment of Universal Credit (UC) to workers which had been referred to us by CPAG in London. We continue to build upon our partnership work with agencies like CPAG who undertake UK-wide strategic casework.

In *JN v. Secretary of State for Work and Pensions* [2023] UT 49 (AAC) the claimant was a hospital worker who was paid monthly on the last Wednesday of each month. This meant that on four occasions in 2020, two of her salaries were counted within the same UC monthly cycle. This resulted in nil claims and ineligibility for UC for one third of the year – because UC was assessed on real time information from HMRC which didn't consider earnings over the salary cycle.

In *SSWP v Johnson and others* [2020] EWCA Civ 778, the England and Wales Court of Appeal declared that the UC earned income calculation was irrational and unlawful as it applied to workers like Ms JN. The UK Government remedied this irrationality by introducing the Universal Credit Earned Income Amendment Regulations 2020. These came into force on 16 November 2020, but amendments were not retrospective.

Our test case enabled the unlawfulness principle in Johnson to be applied for "legacy claims" going back to 2019. GLC has further UK Upper Tribunal strategic challenges coming up, including an appeal in relation to the entitlement to the severe disability premium and legacy benefits.

Tackling discrimination

In October 2022, GLC's Solicitor Advocate, Mike Dailly, appeared before the UK Supreme Court, with Rachel Moon, Senior Solicitor at Govanhill Law Centre, on behalf of the Appellant in the Scottish appeal of *McCue v Glasgow City Council* [2023] UKSC 1. The key issue was whether the Respondent's charging policy for community care services was discriminatory.

The Appellant is the mother and guardian of Andrew McCue. Andrew is disabled and thus entitled to community care services from the Respondent, a local authority. The Respondent has the power to charge for its services, though certain deductions may be applied to reduce the contribution payable. This appeal concerns the Respondent's decision to allow only certain deductions together with the validity of the charging policy.

The appeal was against a judgment of the Second Division of the Inner House of the Court of Session: [2020] CSIH 51. The UKSC did not uphold the appeal (for different reasons to the Inner House) but did clarify the law on charging and set out the correct position on what financial allowances ought to be made for disabled persons. We are now using the Court's reasoning in *McCue* to help clients reduce social care charges and have launched a new campaign in that regard.

With increased pressures on local government budgets we have seen greater demand to challenge the proposed reduction of community care packages for vulnerable disabled persons. Such challenges are essential to ensure people do not receive less daily support to lead independent lives; to ensure they receive the care required based upon medical evidence and assessments; and maximise all possible disability related deductions they may be eligible for.

Our Women's rights project has made strong progress in the last year. We are now helping around 100 vulnerable clients. Many are fleeing domestic violence, sexual assault and harassment and discrimination. Some are subject to unsuitable temporary homeless accommodation and our rights-based approach is achieving successful outcomes. We have secured continued funding for 2023/24 from the Scottish Government (an interim fund).

This project has allowed us to build links with partnership groups we hadn't worked with before. It has also allowed us to explain our services to a wider base throughout the city. Some of these services include:

- The Recovery Cafes across the city
- The Women's Centre
- Tomorrow's Women
- Victim Support
- Lillias Centre
- Bella Centre

Campaigns & law reform

Over the last year, GLC has continued to be most active in advocating for progressive law reform and policy initiatives that benefit our client groups. Our Education Law Unit engages in various Scottish Government forums. We were invited to join the Scottish Government's oversight group for its research into access to justice and the use of IT, learning the lessons of what worked during the pandemic and what did not work in terms of courts and tribunals and access to justice generally.

We are members of the Scottish Law Commission's group on reforming mortgage repossession law. We engage in Scottish Parliament inquiries where relevant to our charitable objectives. A key area of concern during the reporting period was the Moveable Transactions (Scotland) Bill. This Bill would have extended the concept of pawn broking to certain higher value household goods and motor vehicles on a virtual basis as it was drafted and introduced. GLC submitted detailed written evidence to protect Scottish consumers.

We were invited to give legal evidence before the Parliamentary committee and working with other consumer bodies were successful in securing protections for consumers against predatory high cost lending. Our senior solicitor at Govanhill Law Centre, Rachel Moon, gave evidence on behalf of GLC on practical issues around access to justice in Scotland to the Scottish Parliament's Equalities, Human Rights & Civil Justice Committee.

We were successful in an open public procurement process to be appointed the Scotland solicitor panel of the Equality and Human Rights Commissions (EHRC) for equality and human rights casework funded by the EHRC. This will leverage our ability to influence challenges for progressive public policy reform.

Earlier this year we worked with Shelter Scotland and others to form a strategic legal group in Scotland to discuss homelessness law and co-ordinate the scope for legal strategies. This group will now meet on a bi-monthly or quarterly basis to share best practice and experiences.

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, Walker & 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 fully supported by a Senior Management Team and Legal Service Managers. GLC receives funding from the Scottish Government, the Oak Foundation, Glasgow City Council, the Robertson Trust, and others.