



Impact report 2014

Legal Support Project

'Access to justice through free representation'

'The whole process was dealt with so professionally and needless to say such a weight lifted off our shoulders.'

'They put 110% into their work for me. I never once felt that I was alone – thank you'

LSP staff

Sinéad Mulhern

Sinéad Mulhern is the Head of Legal Support Project. She is a solicitor with extensive experience of working on equality and human rights issues in the private, statutory and voluntary sectors.



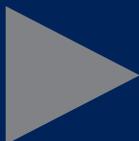
Owen McCloskey

Owen McCloskey is our Project Worker. He is a specialist social security practitioner. He trains and supervises volunteers involved in social security cases.



Deborah Hill

Deborah Hill provides secretarial and administrative support to staff and volunteers in the LSP.



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Director's report



Welcome to the LSP's Impact Report for 2014. It is clear from the report that that this has been a year in which the work of the project has continued to grow and to flourish.

The demand for assistance, particularly in relation to social security

appeals, has remained high. This is unlikely to change in the coming year as we wait to see the extent of the changes that will come should the Welfare Reform Bill complete its legislative passage. The establishment of the LSP was a direct response to the high levels of litigants in person in both social security appeal and employment tribunals. The project aims to overcome the obvious disadvantage experienced by those individuals who would otherwise have to navigate complex legal proceedings unrepresented. Throughout this report you will read comments from some of the many people we have represented this year. It is clear from their feedback that LSP representation continues to make a real and positive difference in their lives

Committed volunteers are central to the success of the LSP. It is heartening to note that 38 new volunteers participated in our training programme this year and that most of those have already provided representation in their first case. The LSP staff team works very hard to ensure that volunteering with the project provides a real opportunity for professional development. The Law Centre is therefore delighted that our effort was recognised this year, with the LSP being awarded the University of Ulster's Placement of the Year Award (New Partner).

This was also the year in which the LSP extended its reach beyond Northern Ireland, hosting a major conference in November 2013 with a line-up of international pro bono

practitioners. This exciting event made a significant contribution to the other key aspect of our work, which is promoting greater awareness of the value and importance of pro bono work in private legal practice. You will see from the report that the LSP's relationships with our solicitor and Bar colleagues have been further strengthened this year as we find more effective ways to work in partnership towards our common goal of securing access to justice for those in real need.

This year was tinged with a little sadness as the LSP bade farewell to Mr Justice Stephens, first Chair of our Advisory Group. He has been a wise and enthusiastic advocate for the project. His help and encouragement have been pivotal to the project's early success. All in the Law Centre and the LSP are most grateful to Mr Justice Stephens and wish him well. We are however delighted to welcome Mr Justice O'Hara as our new Chair and look forward to working with him in what will undoubtedly be another exciting, if challenging, year for the LSP as it continues to mature and consolidate its place within the legal community in Northern Ireland.

Ursula O'Hare, Acting Director, Law Centre (NI)



Mr Justice Stephen with members of the Advisory Group

The year in review

Though still a relative newcomer, this year the LSP has continued to make a significant impact on the Northern Ireland legal landscape. As well as providing free representation, we have continued with our overall effort to raise the profile of pro bono work here.

Cases

This year, LSP volunteers were actively involved in advising and representing 140 clients, achieving successful outcomes in the majority of cases that were concluded. In social security, £94,381.96 was secured in backpayments and an estimated £309,000.00 in respect of future benefit payments (the estimated figure of £309,000.00 is based on the assumption that claimants are likely to retain the benefit for at least one year). In employment, a total of £63,575.00 compensation was paid in cases that were settled or upheld at hearing.

Though pleased that we have been able to help so many, the LSP constantly seeks new and even better ways to use our limited resources for the benefit of as many people as possible. Last year we stated our intention to explore with colleagues in private practice ways to increase representation, particularly in employment cases. To this end, we ran a successful pilot with A&L Goodbody Solicitors in which we referred one of our employment

cases at a very early stage. A&L Goodbody took over full conduct of the case, bringing it to a successful conclusion and providing 45 hours pro bono work in the process.

The LSP hopes to build on this success with other firms that have expressed an interest in working with us. In the coming year we will therefore work on setting up a panel of solicitors prepared to accept a small number of referrals in LSP employment cases each year. In this way we aim to increase significantly the overall number of employment clients that we can help. LSP volunteers will of course continue to take on some employment cases,

Conference

On 8 November 2013 the LSP hosted a major conference on Pro Bono in Practice: International Perspectives at Queen's University. Delegates had the opportunity to hear from a number of international pro bono practitioners.

The keynote speakers were Dr Colin Gonsalves, founder of the Human Rights Law Network (India) and Mr Balázs Sahin-Tóth (Allen & Overy, Budapest) who had acted, pro bono, for Roma students claiming damages arising from school segregation in Hungary. Closer to home, participants also heard from Siobhán Moloney of A&L Goodbody (Dublin)



Panel speakers at LSP pro bono conference.

and Sophie Orr (Allen & Overy London) about their firms' pro bono programmes.

Volunteers

A hard working and committed cohort of volunteer representatives remains pivotal to the success and long term sustainability of the LSP. Many of our original volunteers have moved on to new career challenges. However, we are delighted that 38 new volunteers took part in training delivered by LSP staff this year.

The feedback from our volunteers is very positive. We are, however, committed to further improving the LSP volunteering experience. Accordingly, we are currently working to achieve our "Investing in Volunteers" quality standard. We have established a steering group made up of volunteers, LSP staff and Law Centre (NI) Management Committee. The group will be working with an external facilitator over the next year to secure the award.

Partnerships

We were delighted to receive the University of Ulster's Placement of the Year Award (New Partner). The LSP's relationship with the University has continued to flourish, with a second group of students from the Masters in Clinical Legal Education programme joining the project as volunteers.

Strong partnership work has been and will remain a hallmark of the LSP. This year our list of partners in private practice has expanded. Seven firms released their newly qualified solicitors to work as volunteer representatives with us (Allen & Overy, Campbell Fitzpatrick, Campbell Stafford, HB Marley, John McGale Kelly & Co, Maguire & Corrigan, and R.G. Connell & Son). We also continue to receive training and other support from CFR Solicitors and Allen & Overy.

Through the LSP Advisory Group we have continued joint working with the Law Society,

University of Ulster Employer Placement Awards 2014:
Sinead Mulhern, Head of LSP, Robin Swan MLA, Chair of Employment and Learning Committee, and Lynda Bryans.



LSP pro-bono conference: Jennifer Greenfield, Law Centre (NI), and speaker Dr Colin Gosalvez (Human Rights Law Network).

the Bar Council and the PILS Project to secure the introduction of pro bono costs orders in Northern Ireland. This in turn has led us to develop pro bono partnerships beyond Northern Ireland. This year we have had a very worthwhile engagement with the Access to Justice Foundation, a UK-wide charity which aims to improve access to justice for the most vulnerable by raising funds and distributing them to organisations that support people who need legal help but cannot afford it.

In the LSP we believe that all of these fruitful partnerships bode well for the long term future of legal pro bono work in Northern Ireland.

Sinead Mulhern, Head of LSP



Making a difference

Social security

DLA appeal

LSP represented a man who, following successive road traffic accidents, suffered severe pain in his neck, shoulders, back, wrists and knees. Forced to stop working and struggling with the extent of his injuries, he also developed Post Traumatic Stress Disorder and secondary depression. As a result he had been in receipt of the higher rate mobility and middle rate care of Disability Living Allowance (DLA). On review, however, his award was reduced to lower rate care only. His income dropped drastically. In addition his carer was no longer able to claim Carers Allowance for the daily care that she provided.

He appealed against this decision with the help of the LSP. At the appeal hearing the LSP volunteer representative argued that the existing medical evidence did not support a reduction in the award. The volunteer presented medical evidence which had been collected from a number of sources which supported the case.

The appeal was successful and the award was reinstated. The claimant received a back payment of £2,219.10 and £108.25 per week subsequently. The Carer's Allowance for his carer was also reinstated with a back payment of £1519.70 and £58.45 per week subsequently.

'I found myself in a situation not of my own making yet potentially liable for repayment of Incapacity Benefit. The volunteer prepared and presented a formidable case and gave excellent advice at all stages.'

ESA appeal

We helped a woman who had a foot condition that seriously affected her mobility. She had been in receipt of Incapacity Benefit but on conversion to Employment and Support Allowance her claim was disallowed. This was on the basis of an Atos medical report which had suggested that a score of 0 points was appropriate.

At the appeal hearing, the LSP volunteer representative put forward medical evidence which indicated that her condition was much more restrictive than described in the disputed Atos report. In particular, the representative referred to case law that highlighted the need to consider her ability to complete activities with reasonable regularity or some degree of repetition.

The tribunal found that most of the time she could not reliably and repeatedly walk more than minimal distances free from significant discomfort. As a result the appeal was allowed and she was placed in the support component as it was decided that she was unfit for work related activity. She received a backdated payment of £3,226.45 and subsequent weekly payments of £121.65.

DLA and ESA appeals

The LSP also represented a woman who had been disallowed in her claims for both ESA and DLA. She suffered from low back pain and bilateral knee pain as well as mental health difficulties. Her two appeals were heard just four days apart and she was represented by the same LSP volunteer representative on each occasion. Both appeals were successful, with backdated payments totalling £3,946.10 with subsequent weekly payments of £100.15 for ESA and £42.00 for DLA.

Employment

Constructive dismissal and unfair dismissal

The two claimants worked as part-time delivery drivers. They took annual leave during the same period in early 2013 with the agreement of the employer. During their absence a relief driver was recruited to cover their duties. It was the claimants' understanding that this was to be a temporary arrangement. However, the relief driver continued working for the employer after their return from leave which meant that fewer hours were available for the claimants.

At a meeting some three weeks later, one of the claimants was told that the employer could no longer offer him work. At the same meeting the second claimant was informed that his hours were to be significantly reduced. Shortly afterwards the second claimant resigned because of a further reduction in his hours.

The claimants made an application to the Industrial and Fair Employment Tribunal, claiming unfair dismissal and constructive dismissal respectively. Both also claimed for unpaid holidays and failure to provide written particulars of employment. The employer contended that the claimants were not 'employees'.

Prior to hearing, the claims were settled for £1,500 and £2,500 respectively without an admission of liability.

'The representation was professional and thorough and gave me great confidence in taking my appeal.'

Failure to follow redundancy procedures

The claimant started working as a Production Operative with a manufacturing company on 24 October 2011. The claimant alleged that on 23 August 2013 at the end of his shift, he was told by his manager that he was being made redundant with immediate effect because the company needed to reduce the wage bill.

The claimant made a complaint to the industrial tribunal claiming unfair dismissal and alleging that the company failed to follow the statutory dismissal procedures. The claimant also claimed breach of contract on the basis that the company did not give him notice of the termination of his employment.

Prior to hearing and without admission of liability by the company, the case was settled, with the company agreeing to pay the claimant £6,000 in compensation.

'Really appreciate all the work you did. I never would have got it alone.'

What our volunteers say



AVI McCABE

What is your background?

I am a solicitor. I moved back to Northern Ireland in 2011. My professional background was in regulation/compliance work and I wanted

to gain exposure to other practice areas, in particular social justice issues.

Why did you decide to volunteer with the LSP?

I was keen to keep my legal skills up-to-date and to use them to help people who would otherwise be unable to get advice or represent themselves. The LSP provided an opportunity to do both. When I met the LSP staff, their professionalism and commitment really impressed me and sealed the deal!

What do you gain from being an LSP volunteer?

Lots of positive experiences. I have developed professionally by doing social security and employment work; been able to take advantage of Law Centre (NI)'s training programme and, most satisfyingly, to develop personal and working relationships with fellow volunteers, Law Centre staff and members of various voluntary and practitioner groups.

What difference has your involvement made to your LSP clients?

I've hope I've made a small but significant difference in the lives of all my clients. Tribunal procedures are complex but my clients have always impressed me with their courage and determination to have their concerns heard.

Will the experience gained the LSP benefit you in the future?

It has been very beneficial. I've had the professional satisfaction of securing many

successful outcomes for clients who would not otherwise have been able to afford a legal adviser. I've gained the expertise and confidence to start my own consultancy, SEN Advice and Advocacy NI, which focuses on special educational needs, an area where there is also a significant unmet need for specialist advice and representation.



RONALD VELLEM

What is your background?

I was a University of Ulster student on the LLM in Clinical Legal Education when I started to volunteer with the LSP.

Why did you decide to volunteer with the LSP?

I started volunteering with the LSP as part of the placement for the LLM

What do you gain from being an LSP volunteer?

Volunteering has given me the opportunity to develop legal skills such as researching legislation and case law, advocacy and working in a legal setting with a very supportive organisation. I have also learned how to manage case files to a high standard.

What difference has your involvement made to your LSP clients?

I have achieved successful outcomes in a number of cases which has made a big difference to my clients both financially and to their overall well-being.

Will the experience of volunteering with the LSP benefit you in the future?

Volunteering with the LSP has equipped me with skills that I hope will make me more marketable in terms of future employment.



CLARE ROTHWELL

What is your background?

I am a practising barrister.

Why did you decide to volunteer with LSP?

I have been struck by the number of personal litigants in the courts and tribunals who often suffer disadvantage from being unfamiliar with the legal process. I became interested in volunteering to improve access to justice for these people. Also as a junior barrister, I am keen to get as much experience as possible.

What do you gain from being an LSP volunteer?

As well as furthering my professional development, I have gained great satisfaction from knowing that I am making a real difference to clients who otherwise would be fending for themselves. It is extremely rewarding to see the impact that a voluntary role can have in people's lives.

What difference do you think your involvement has made to your LSP clients?

I hope that my clients feel supported, and benefit from knowing that someone has taken an active interest in achieving a fair outcome for them. In some cases my clients could not have faced going to tribunal alone.

Will the experience of volunteering with the LSP benefit you in the future?

Absolutely. I have had great exposure to the tribunals system and learned through experience how to assist clients in difficult situations. These are skills that are directly relevant and transferrable to all aspects of my work as a barrister.

Working with the LSP has given me valuable experience in running cases from start to finish. It has given me a firm foundation on which to continue to build my career.



ALLISON MCAREAVEY

What is your background

Most of my working life has been spent in the public sector. I returned to further education as a mature student, gaining

an LL.B and a Clinical Legal Education LL.M at the University of Ulster.

Why did you decide to volunteer with the LSP?

I am indebted to the Law Centre for their assistance some years ago. The help to my family and me was very timely and its significance cannot be overstated. When an opportunity arose to volunteer, I immediately requested to be considered as I wished to use my legal knowledge to help others as the Law Centre had helped me.

What do you gain from being an LSP volunteer?

Legal skills and confidence! I got the highest standard of one to one mentoring which built my knowledge base rapidly.

What difference do you think your involvement has made to your LSP clients?

My clients were often extremely vulnerable individuals who felt bewildered by a system they had expected would support them. Ultimately most of the clients gained financial relief and most importantly felt supported by the LSP.

Will the experience of volunteering with the LSP benefit you in the future?

I benefitted from being placed outside my comfort zone in a supportive way which allowed me to grow in confidence whilst helping people in real need. The experience also informs my continued research which I hope will ultimately be of assistance to the voluntary sector.

Stats and facts

Social security cases 2013–2014

Disability Living Allowance		Employment & Support Allowance	
Cases carried over	20	Cases carried over	20
New cases opened	34	New cases opened	41
Concluded	23	Concluded	37
→ Allowed	10	→ Allowed	31
→ Disallowed	10	→ Disallowed	4
→ Advice without representation	3	→ Advice without representation	2
Outstanding	31	Outstanding	24

Employment cases 2013–2014

Cases carried over	8
New cases opened	16
Concluded	21
→ Upheld at hearing	2
→ Settled	15
→ Other resolution	2
→ Advice without representation	2
Outstanding	3

‘Overall I was more than happy with the way everything was handled: 10 out of 10’

Volunteers 2013–2014

Category	Number
Barrister	12
Solicitor	12
Student	16
Other*	21
Total	61

Pro bono hours worked 2013–2014

Category	Number
Barrister	416
Solicitor	383
Student	479
Other*	638
Total	1,916

* This includes those who are waiting to commence professional legal training, those working in law related roles (other than solicitor or barrister) and those from a voluntary sector advice background.

Thanks

We would like to express our sincere thanks to all of the following who have made a very important contribution to the work of the LSP in its second year:

LSP volunteers

Jacqui Blain, Jennine Buchanan, B.L., Paul Charnock, Ben Christman, Andrew Clegg, B.L., Leanne Coey, B.L., Maeve Corrigan, Eamonn Cunningham, Catriona Doherty, B.L., Orla Eastwood, Lynsey Elliott, Gillian Given, Ann-Marie Gollohy, David Grzymek, Claire Gunn, Sarah Hamill, Philip Hamilton, Louise Harvey, Rachel Healey, Kevin Hegarty, Angela Ifonlaja, Sarah Kingston, Jennifer Knape, Antoin Lindsay, Gaia Lo Giudice, Niall Marley, Grace Martin, Cecile Maugy, Nigel Mawhinney, Aine Maxwell, Allison McAreavey, Avi McCabe, Ronan McClean, B.L., Conor McCormick, Michelle McCullough, Michael McDermott, Emma McGowan, Aidan McGowan, B.L., Sarah McGuckin, B.L., Seamus McLlroy, Christopher McKee, B.L., Carolyn McRobert, Ryan Miller, Oonagh Monaghan, Ryan Moore, Sean Muldoon, Kathryn Murray, B.L., Sinead Nowak, Caoimhe O’Kane, Gerard O’Neill, Fiona Quinn, Matthew Quinn, Cormac Rice, Clare Rothwell, B.L., Sophie Ryan, David Schulz, Graham Scobie, Geraldine Scullion, Greg Smyth, Paul Sullivan, B.L., Ronald Vellem.

Members of the Advisory Group

Honourable Mr Justice Stephens (Chairman), Leona Askin (Bar Council), Laura Banks (Citizens Advice), Fiona Fee (Bar Council), Anne Fenton (IPLS), John Guerin (Law Society), David Hawkins (PILS Project), Paul Mageean (IPLS UU), Melissa Murray (PILS Project), Dr Gráinne McKeever (UU School of Law), Graham Scobie (QUB School of Law), Sarah Witchell (solicitor), Ciaran White (UU School of Law). Law Centre staff representatives: Les Allamby, Jennifer Greenfield, Sineád Mulhern, Owen McCloskey.

Event speakers

Dr Colin Gonsalves (Human Rights Law Network, India), David Hawkins (PILS Project), Brian Kennedy QC (Bar Pro Bono Group), Siobhán Moloney (A&L Goodbody), Dr Gráinne McKeever (University of Ulster), Marianne McKeown (PILnet), Sophie Orr (Allen & Overy, London), Marthe de la Roche (Access to Justice Foundation), Balázs Sahin-Tóth (Allen & Overy, Budapest)

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Social security volunteers training session

