

Introduction

This policy bulletin gives an update on our policy work in the second half of 2012. Copies of our responses are available on our website at:

www.lawcentreni.org

We are always glad to hear from our members on any of the issues outlined here. Please get in touch if you would like to know more about any of our priorities.

Ursula O'Hare

Assistant Director (Policy and Publications)

Social security

The Welfare Reform Bill in the Assembly

In the build up to the publication of the Welfare Reform Bill, the Law Centre and other members of the Welfare Reform Group met with the political parties to brief them on the key issues affecting communities who will be impacted by the changes. The Group's briefing papers called on politicians to look for opportunities, within the limits of parity, to tailor the implementation of the reforms to reflect the local needs of communities in Northern Ireland.

The Bill was introduced into the Assembly in October and moved to Committee after a marathon plenary second reading debate. Law Centre Director Les

Allamby gave a clause by clause analysis of the Bill to the Social Development Committee when he gave evidence in October:

www.lawcentreni.org/Publications/Policy-Briefings/Law-Centre-NI-Submission-to-Comm-for-Soc-Dev-Oct-12.doc

The Law Centre subsequently drafted 26 amendments to the Bill which were separately submitted to the Social Development Committee for consideration. These can be accessed here:

www.lawcentreni.org/Publications/Policy-Briefings/Suggested-amendments-to-Welfare-Reform-Bill-Nov-2012.pdf

The Law Centre also led a delegation of the Welfare Reform Group in evidence to the Committee at the end of November. You can read the Group's briefing paper on parity and written evidence response here:

www.lawcentreni.org/Publications/Policy-Briefings/WRG-Parity-Briefing-Paper-2012.doc and

www.lawcentreni.org/Publications/Policy-Briefings/WRG-Social-Development-Committee-OCT-2012.pdf

The Committee's scrutiny process was interrupted in November by the unprecedented establishment of a thirty-day ad hoc committee to examine the human rights and equality implications of the Bill. The Law Centre gave evidence to the ad hoc committee in December. We highlighted a number of human rights concerns about the Bill and regulations and questioned the adequacy of the equality impact assessment that has accompanied the Bill.

To find out more about the Welfare Reform Policy Group contact Georgina Ryan-White, policy officer, at:

georgina.ryan-white@lawcentreni.org

Implementing Universal Credit

We responded to the Social Security Advisory Committee on the draft Universal Credit regulations published in July. In August we submitted evidence to the Work and Pensions Select Committee on its Inquiry into Progress towards Implementation of Universal Credit. We were critical of the requirement in the draft GB regulations that a claimant commitment should be signed by both members of a joint couple claim and of

the short time frame available for a claimant to show 'good cause' prior to the imposition of a sanction. Further, we were critical of the underpinning rationale of the Coalition Government for monthly payments. Read our responses here:

www.lawcentreni.org/Publications/Policy-Responses/SSAC-Consultation-July-2012.pdf

www.lawcentreni.org/Publications/Policy-Responses/Work-and-Pensions-Select-Committee-UC-Aug-2012.pdf

In November, the Minister announced that flexibilities had been achieved in relation to the delivery of Universal Credit to allow for split and monthly payments. In addition, the housing element will be paid directly to landlords and its introduction has been pushed back from October 2013 to April 2014. We remain cautious that while these flexibilities have been achieved, the Committee needs to closely examine what other steps can be taken to protect households affected by the changes. Read the Minister's announcement at:

www.northernireland.gov.uk/news-dsd-221012-tailoring-welfare-reforms

Fast track system for tax credits

In the autumn, a fast track system was introduced into Northern Ireland to address the problems of delays in getting a decision on claims for tax credits. This has been a particular problem for certain groups. Advisers highlighted that refugees were one of the groups facing substantial delays in having their claims processed by HMRC, sometimes experiencing a delay of up to six months.

The Law Centre has been involved in a working group comprising statutory and voluntary sector representatives. One of the outcomes of this work has been the implementation of the new fast track system in Northern Ireland. The scheme is still relatively new in Northern Ireland, though it has been operating for some time in Britain. Contact our social security unit for more details on 028 9024 4401.

Employment

Employment law review

We published our response to DEL's discussion paper on employment law reform which focused on whether Northern Ireland should implement the employment law changes that have been implemented in Britain. The most high profile of these is the increase in the qualifying period for protection against unfair dismissal which was implemented in Britain in April. Since employment law is a devolved matter, the opportunity exists to resist the worst of the proposals that have come from the Coalition Government.

We met with the Minister in October to outline our views on the way forward in Northern Ireland, highlighting our resistance to any increase in the qualifying period for unfair dismissal and the need for advice and early neutral evaluation of tribunal cases by a tribunal chair. In his ministerial announcement in November, he indicated that he will consult further on any change to the qualifying period for unfair dismissal and will ask the Labour Relations Agency to develop a model for routing all claims through the Agency. He has also indicated that his department will examine the feasibility of early neutral evaluation. In the short term, DEL will begin a review of tribunal rules.

The Department has now published its response to its discussion paper. A consultation is anticipated in the new year. For details of the DEL discussion paper and the ministerial announcement go to:

www.northernireland.gov.uk/index/media-centre/news-departments/news-del/news-del-nov-2012/news-del-051112-minister-farry-outlines.htm

You can read a copy of the Law Centre's response to the discussion paper and download a copy of our flowchart for employment dispute resolution at:

www.lawcentreni.org/Publications/Policy-Responses/Employment-Law-Discussion-Paper-August-2012.pdf

Immigration

Inadequacies of asylum support system

In evidence in December to a parliamentary enquiry into asylum support for families and children, we set out the case for a radical overhaul of the National Asylum Support Service system, including the introduction of a right to work. We submitted evidence of the impact of the shortcomings of the system for those relying on it to meet daily living needs.

Immigration sub-group

In our last bulletin, we reported that through the OFMDFM Immigration sub-group the Law Centre had been pushing for arrangements to be put in place by the start of the new academic term to make free English language classes available to asylum seekers and refugees. September saw a welcome change in policy when the Department for Employment and Learning agreed to introduce these new arrangements at the start of the new academic year.

We brought a paper outlining our proposals for work permission for asylum seekers to the Group this autumn.

North-South immigration forum

In July we hosted a North-South immigration forum to explore strategies for achieving a single or mutual visa system within the Common Travel Area. The forum, chaired by Professor Bernard Ryan of University of Kent Law School, heard from experts from London and Dublin on the legal and political context relating to free movement within the Common Travel Area. Buster Cox, immigration legal adviser at Law Centre NI, outlined the impact of the lack of a mutual visa system on our clients. The issue has since been debated in the Assembly and the Irish government has extended its visa-waiver scheme to 2016 under which it recognises visas issued by the UK authorities for a number of nationalities visiting the Republic of Ireland.

Unaccompanied children subject to immigration control

In October we submitted evidence to the Joint Committee on Human Rights at Westminster as part of its inquiry into the human rights of unaccompanied migrant children and young people. The inquiry was particularly concerned with children and young people claiming asylum or who have been victims of trafficking.

Our response outlined our work to co-ordinate a working group on separated children in Northern Ireland. It highlighted a number of positive outcomes, including that regional data is now collated on separated children, and the creation of a pilot protocol between social services and VOYPIC to ensure that separated children are referred for independent advocacy within 72 hours.

We pointed out the complexities in Northern Ireland where 'children's issues' are devolved but immigration policy reserved making the case for a system of 'legal guardianship' for unaccompanied children. Read our response here:

www.lawcentreni.org/Publications/Policy-Responses/JCHR-inquiry-UMC-written-evidence-Oct-2012.pdf

Anti-trafficking work

In August we met with the Justice Minister to explore his Department's thinking about the Northern Ireland specific recommendations set out by the Anti-Trafficking Monitoring Group in its second report on trafficking in the UK.

The focus of this report was on prevention. Among its recommendations was the appointment of an independent 'trafficking commissioner/rapporteur'. We submitted a model data request to the Department to highlight the need for an up to date, reliable picture in relation to trafficking in Northern Ireland, including across the land border.

We gave detailed commentary on the development of the DHSSPS/PSNI guidance on child victims of trafficking last year. This year, we were pleased to have the opportunity to comment on the Department of Justice's guidance on

working with victims of adult trafficking at the drafting stage. The final guidance for working with adult victims of trafficking took on board many of the Law Centre's earlier comments. The guide is available at:

www.dojni.gov.uk/working-arrangements-for-the-welfare-protection-of-adult-victims-of-human-trafficking.htm

We also provided a detailed analysis to the Public Prosecution Service of its draft guide for prosecuting trafficking cases. We relied directly on our casework experience of supporting victims of trafficking who are also witnesses in prosecution cases. To date there have only been two successful prosecutions in Northern Ireland. You can read our response here:

www.lawcentreni.org/Publications/Policy-Responses/PPS-Prosecuting-Cases-of-Human-Trafficking.pdf

In September, the Council of Europe's Expert Group on Anti-Trafficking (GRETA) published its monitoring report on the UK's compliance with the Council of Europe Trafficking Convention. The Law Centre met with the GRETA delegation on its visit to Northern Ireland in 2011. The report makes detailed comments about Northern Ireland. It highlights concerns raised with the Expert Group by the Law Centre about the lack of clarity about the 'first responder' process in Northern Ireland and the victim identification processes. GRETA also comments on the few prosecutions in Northern Ireland, noting that no victim of trafficking has received compensation.

The Expert Group applauds some of the anti-trafficking efforts underway in Northern Ireland, both on the part of statutory agencies and NGOs. Read the report and the UK government's response here:

www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2012_6_FGR_GBR_en.pdf

In October we spoke at a Department of Justice event to mark anti-slavery day. Following its consultation on enhancing arrangements for engaging with NGOs and others on anti-trafficking work (see last bulletin), the Department announced the creation of an engagement group. The Law Centre was invited to join this group and attended the inaugural meeting in December. You can read a copy of our response to the Department on engagement on trafficking issues here:

www.lawcentreni.org/Publications/Policy-Responses/DOJ-Consult-on-Sexual-Offences-Act-2003-Part-2.pdf

In October we also responded to Lord Morrow's call for comments on his draft private members bill on trafficking.

We continue to work with the London-based Human Trafficking Foundation's sub-group to develop best practice recommendations for the provision of services to victims of trafficking across the UK.

Mental health / Community care

Seminar on capacity legislation

In November, we co-hosted a seminar with Mencap in Northern Ireland, Inclusion Europe, the Centre for Disability Law and Policy at the National University of Ireland, Galway, and Inclusion Ireland to examine how forthcoming capacity legislation could bring meaningful change for how people with a learning disability are viewed, listened to and treated. Experts from across Ireland and Europe explored what is needed in law, policy and practice to turn the right of people with a learning disability to make decisions into a reality. Those at the roundtable heard firsthand about the experiences of people with a learning disability and family carers.

The Mental Health and Learning Disability Alliance (MHLDA) is convened by the Law Centre. For more information about the Alliance, please contact Michele Smyth, Development Officer, at:

michele.smyth@lawcentreni.org

Providing for long-term care

We reported in our last bulletin that a paper was expected from the DHSSPS on adult social care. The paper, *The Future of Adult Care and Support in Northern Ireland*, is now published and available at:

www.dhsspsni.gov.uk/showconsultations?txtid=58501

Our initial response to the paper was critical of the apparent disconnection between the review of adult

social care and the Compton Review (*Transforming Your Care*). How services will be delivered in the future under *Transforming Your Care* is intrinsically linked to any review of the future of adult social care. We were also critical of the failure to include any sense of the Department's current thinking about how to fund adult social care, particularly in light of the Dilnot Commission's report in Britain.

We hosted a policy discussion on the future of social care at our AGM this month. DHSSPS minister Edwin Poots outlined his Department's thinking about the future of adult care. Richard Humphries of the King's Fund, one of the leading policy think tanks on social care in Britain, set out a number of critical challenges ahead in the provision of adult social care. The panel discussion, involving the Commissioner for Older People NI, DHSSPS and Age NI, focused on the need for strong leadership and effective public engagement on this issue.

OFMDFM Older People's Advisory Group

We continued our work with the Older People's Advisory Group to advise OFMDFM on a new strategy for older people in Northern Ireland. We anticipated the strategy would be out for consultation this autumn but this has again been delayed.

Draft disability strategy

We responded to OFMDFM's draft *Strategy to Improve the lives of Disabled People, 2012-2015*. Our response focused on the obligations arising from the United Nations Convention on the Rights of Persons with Disabilities. We highlighted the need for a clear monitoring framework for implementation of the ultimate strategy.

Policy submissions / briefings / evidence sessions

July - December 2012

July 2012	SSAC Consultation July 2012 on draft Universal Credit regulations
July 2012	Law Centre (NI) response to DHSSPS pre-consultation on Adult Social Care Review
Aug 2012	Law Centre (NI) response to DEL Employment Law Discussion Paper
Aug 2012	Law Centre (NI) response to OFMDFM Disability Strategy
Aug 2012	Northern Ireland Welfare Reform Group response to Work and Pension Committee on implementation of Universal Credit
Aug 2012	Law Centre (NI) response to Work and Pensions Select Committee on implementation of Universal Credit
Aug 2012	Law Centre (NI) response to DOJ&DHSSPS guidance on adult victims of trafficking
Sept 2012	Law Centre (NI) response to DSD Work Capability Assessment: 3 year review
Sept 2012	Law Centre (NI) response to Public Prosecution Service's Policy for Prosecuting Cases of Human Trafficking
Oct 2012	Law Centre (NI) Response to Lord Morrow's Private Members Bill on Human Trafficking & Exploitation Bill
Oct 2012	Evidence to Joint Committee on Human Rights Inquiry into the Human Rights of Unaccompanied Migrant Children
Oct 2012	Northern Ireland Welfare Reform Group evidence to Social Development Committee Call for Evidence on Welfare Reform Bill
Oct 2012	Evidence to Social Development Committee on Clause by Clause Analysis of Welfare Reform Bill
Dec 2012	Law Centre (NI) response to consultation on the extension of parental leave entitlement.
Dec 2012	Law Centre (NI) evidence to parliamentary inquiry into asylum support for families and children.
Dec 2012	Law Centre (NI) evidence to Ad Hoc Committee on Welfare Reform Bill.