

## Introduction

This first bulletin of the new year looks back to our work from October to December 2010.

The policy team attended the SDLP, DUP and UUP party conferences in the autumn to highlight policy issues that we think should be a priority for our local elected representatives and to identify where they can bring their influence to bear. This includes welfare reform proposals; legal aid reform that promotes access to justice and how a better system for resolving employment disputes could make a positive difference to employees and small employers alike.

We closed 2010 with the launch at our AGM of the Law Centre-commissioned report by the Institute for Fiscal Studies on the impact of tax and benefit cuts in Northern Ireland. The report paints a bleak forecast. Taking reform in the round and projecting up to 2014-15, after London, Northern Ireland will be hardest hit by the Coalition Government's announced benefit cuts.

This year promises many challenges. Our focus will be on identifying local policy solutions in our work for social justice. Thank you for your interest in our work over the last year. If you would like more information about any of the issues we are working on, please, as ever, get in touch. All our responses are available on our website, [www.lawcentreni.org](http://www.lawcentreni.org).

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## Social security

### Welfare reform

We raised the impact of welfare reform on local constituencies at all the party conferences this autumn. The radical reform of the welfare system promised by Ian Duncan-Smith was unveiled in the White Paper - *Universal Credit: Welfare that Works* - published in November 2010. In December, DSD Minister Alex Attwood launched a consultation on the content of the White Paper to run until 30 January ([www.dwp.gov.uk](http://www.dwp.gov.uk)).

The White Paper proposes the introduction of a Universal Credit that replaces existing benefits and housing and other costs. The White Paper is short on detail about a range of critical issues (a full analysis of these and the White Paper is found in Frontline 78 available at [www.lawcentreni.org](http://www.lawcentreni.org)). At the Social Development Committee's evidence gathering session hosted at NICVA in November, we urged the Committee to look at the reforms in the round and to explore the opportunities devolution presents for local variations on the Westminster-driven policy. Law Centre Director Les Allamby also spoke at the Advice NI AGM on the damaging impact of welfare reform in Northern Ireland.

A consultation paper matching the one issued in Britain on changes to Disability Living Allowance from 2013 has been launched and the Law Centre will be responding to this.

### What it means for Northern Ireland

The full impact of the benefit and tax cuts for Northern Ireland were set out in a report by the Institute for Fiscal Studies commissioned by the Law Centre. The report finds that, after London, Northern Ireland will be the most severely hit by changes to the tax and benefit system. This is because of the percentage of large families in Northern Ireland who will be hit by changes to tax credits and the percentage of people who will be affected by the cuts to Disability Living Allowance. London is hardest hit because the tax cuts will affect the top income earners who are

disproportionately found in London and, at the other end of the scale, because of the impact of the cuts in Housing Benefit on high rents. A copy of the report is available at [www.lawcentreni.org](http://www.lawcentreni.org)

## Welfare Reform Policy Group

The Welfare Reform Policy Group, convened by the Law Centre, followed up on its response to the government's *21<sup>st</sup> Century Welfare* reform proposals with an analysis of the White Paper on Universal Credit for the Work and Pensions Committee at Westminster. The group's response presented an analysis of the impact of reform on certain sectors of the population, including carers, lone parents, women and older people. A response is pending from the Northern Ireland Select Affairs Committee following correspondence from the group urging it to conduct an enquiry into the impact of the changes in Northern Ireland.

## Housing Benefit reform

The Law Centre wrote to the Department for Social Development (DSD) to obtain data on the numbers that would be affected by Housing Benefit reform. We had earlier highlighted our strong concern that the effect of the combined cuts would lead to a sharp rise in rent arrears and ultimately to an increased risk of homelessness.

Figures obtained in November from DSD show that:

- n 454 claims would be affected by the restriction of local housing allowance levels to a maximum four bedroom rate;
- n 7,247 claims would be affected by the removal of the £15 weekly local housing allowance excess that can be retained after rent;
- n 38,000 claims would be affected by the reduction in the local housing allowance rate from the current 50<sup>th</sup> percentile of rents in the broad rental area to the 30<sup>th</sup> percentile of rental rates in the broad rental area.

Further, support for mortgage interest payments to those who have been receiving Jobseeker's Allowance from January 2009 will stop in January 2011. DSD estimates that an initial 50 households will be

affected though clearly more households will be affected over time.

# Employment

## Workplace disputes

We gave evidence to the Assembly's Employment and Learning Committee in November on the Employment No. 2 (NI) Bill 2010. In our evidence, we welcomed provisions in the Bill that would revoke the statutory grievance procedure in Northern Ireland which has proved cumbersome since its introduction in 2005.

Our evidence highlighted that the Bill is one part of the reform jigsaw. Broader reform of the system for handling employment disputes should be a longer term objective. There are no proposals to assist claimants through the process by access to free legal advice. While we share the Department's commitment to exploring Alternative Dispute Resolution (ADR) approaches, not all disputes can be resolved through ADR. There is a persistent 'inequality of arms' under the current tribunal system which makes it extremely difficult for a claimant to access justice. Our evidence is available on our website. We highlighted the deficiencies of the current system for resolving workplace disputes at the party conferences this autumn.

In December we made detailed comments on the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures. A copy is available on our website.

# Immigration

## Cohesion, Sharing and Integration Strategy

We commented on immigration-related aspects of the Cohesion, Sharing and Integration Strategy. While the strategy has attracted significant criticism from a wide

range of interests, we welcomed the commitment in the document to the principle of integration from point of arrival in Northern Ireland. This mirrors the approach in Scotland where the devolved government has taken a number of region-specific policy steps to support newcomers. A local commitment to integration from arrival paves the way for a similar approach in Northern Ireland.

## Immigration Sub-Group

The Emergency Fund paper, developed by the Law Centre, and brought through the Immigration Sub-Group of the OFMDFM Racial Equality Panel was presented to the full Panel in November. The proposal to establish an emergency fund to assist destitute migrants will now receive Ministerial consideration. The Sub-Group is now considering the operation of the common travel area. We have written to both the Home Office and the Department of Justice and Law Reform (RoJ) for clarification on any planned reform of the common travel area following indications in 2008 that discussions were in hand.

## Children and the immigration system

The last bulletin reported on work of a sub-group convened by the Law Centre to explore whether Northern Ireland can put its own system in place to ensure that separated children (unaccompanied asylum seeking children; trafficked children) receive appropriate welfare and legal assistance. This autumn, the group has developed a background and issues paper to inform health and social care trusts and others of the issues facing separated children in navigating the immigration system and in getting appropriate supports. The group will host a roundtable early this year to identify how to improve the system for responding to the needs of these children.

In December, we attended a policy roundtable organised by NICCY on children and young people in the immigration system.

We anticipate that draft guidelines will be issued by the Department of Health, Social Services and Public Safety (DHSSPS) early in the new year on unaccompanied

panied asylum seeking children. We will be commenting on these.

We welcomed the announcement in December by the Deputy Prime Minister that the government will end child immigration detention by May 2011. We had argued for an immediate cessation of the practice in our response to the Review into Child Immigration Detention in the summer of 2010 and we will be looking closely at the detail of the government's announcement.

## Community care & mental health

### Long term care

The Rights in Community Care (RICC) Group followed up on its seminar on *Facing the Funding Challenges* (see last Bulletin) with correspondence in November to the Finance Minister stressing the need for a balance in spending between health and social services and investment in preventative strategies to support independent living. The next seminar in the series 'A Vision for Community Care' is on 14 January 2011. Organised by UNISON, the seminar will consider workforce planning for the social care sector. If your organisation would like more information on attending these events or if you are interested in the Rights in Community Care group, please contact [georgina.white@lawcentreni.org](mailto:georgina.white@lawcentreni.org)

### Capacity law reform

In October the Mental Health and Learning Disability Alliance submitted its response to the DHSSPS equality impact assessment on the Capacity (Health, Welfare and Finance) Bill. The Alliance welcomed the single principles-based Bill to protect the rights of those whose decision making capacity is impaired. We sought clarification on a number of policy issues. A copy of the Alliance response is available from the Alliance's new website at [www.mhlda.org.uk](http://www.mhlda.org.uk).

In November, we chaired a further meeting of the DHSSPS Reference Group on the new legislation. The Law Centre's response to the EQIA consultation is available at [www.lawcentreni.org](http://www.lawcentreni.org)

## Access to justice

We joined with others in the sector in writing to the Justice Minister this autumn about the impact of the financial eligibility threshold on those seeking protection against domestic violence through the courts. The Minister has now announced a change in the legal aid rules that will make it easier for victims of domestic violence to access legal aid to get protection from the courts.

Following the announcement of a fundamental legal aid review this autumn, we met with the Review Team to outline our preliminary views on priorities for legal aid reform. We are hosting a fringe meeting on access to justice at the Alliance Party Conference in January.

Building on work done in early 2010 on tribunal reform, the autumn saw the start of the second stage of tribunal reform research. Funded by Nuffield, the second stage of the research will look at advice and information prior to tribunal hearing and the structures for supporting tribunal reform. The research will be complete by spring 2011.

## Law reform

The Northern Ireland Law Commission's consultation on its Second Programme of Law Reform closed in October. The Commission is seeking to identify a small number of law reform projects for the period 2011 - 2014. We submitted proposals for reform of community care law and for a mapping of alternative dispute resolution models in Northern Ireland. We subsequently met with members of the Commission in November to clarify our proposals. The Commission intends to publish the outcome of the consultation in spring 2011.

## Recently published

### October to December 2010 policy submissions and briefings (available at [www.lawcentreni.org](http://www.lawcentreni.org))

- October Response to DHSSPS EQIA Consultation on Mental Capacity (Health, Welfare and Finance) Bill
- October Response to OFMDFM Pre-Consultation: *'Starting the Discussion - A Child Poverty Strategy for Northern Ireland'*
- October Response to OFMDFM Cohesion, Sharing and Integration Strategy
- October Access to Justice Review Northern Ireland - Preliminary Views
- November Evidence to NI Assembly Employment and Learning Committee on the Employment (No.2) Bill
- November Response to Northern Ireland Law Commission Second Programme of Law Reform
- November Emergency Fund Paper - proposals to Racial Equality Panel
- November Response to Department for Work and Pensions (DWP) National Insurance Credit Changes
- December LRA Code of Practice on Disciplinary and Grievance Procedures
- December Evidence to DWP Committee on Universal Credit (Welfare Reform Policy Group)
- December Joint response from Law Centre (NI) and Gingerbread NI to the Social Security Advisory Committee consultation on the Sure Start Maternity Grant Regulations 2011
- December Response to the Social Security Advisory Committee consultation on Jobseeker's Allowance (Mandatory Work Activity) Regulations 2011