

TRAFFORD LAW CENTRE

Annual Review 2009/2010

Trafford Law Centre provides expert specialist legal advice and general help in accessing advice services to local people. We are working towards the development of a service that meets the needs of all local communities in Trafford and surrounding areas.



Who We Are

**2nd Floor, Atherton House,
88-92 Talbot Road, Old Trafford
M16 0GS**

Management Group:

Chair	Judith Lloyd
Treasurer	Jim Lowe
Members	Mark Adams Roger Coleman Sally Harrison Brian Shaw Amanda Jordan

Staff:

Practice Manager/ Senior Solicitor	Michelle Miles
Immigration Supervisor/ Deputy Manager	Samina Begum
Admin/ Finance	Dawn Benson
Mental Health Caseworker	Robert Beech
Equality and Human Rights worker	Kalim Dean
Trainee solicitor	Leah Willoughby – Foster
Volunteer	Nadia Mustafa

Chair's Report

This has been a challenging year for Trafford Law Centre. The main challenge has been dealing with the impact of the changes in the funding we receive from the Legal Services Commission (LSC).

In this year our successes are that we have;

- Maintained the Specialist Quality Mark
- Maintained the Law Society Training establishment
- Been successful in obtaining a grant from the LSC to employ a trainee solicitor
- Maintained our funding from the Equality and Human Rights Commission
- Been awarded funding from the lottery for a part time housing caseworker

Trafford Law Centre is still managing the changes to funding introduced by the LSC in October 2007. Trafford Law Centre is coping with a reduction in funding from the LSC due to these changes. This is due to the hard work and dedication of the Law Centre staff.

We dealt with 595 cases in the year up to 2009 and have taken on 411 in the year up to 2010. The reason for the decrease is a large reduction in the number of immigration and asylum cases taken on. We took on 163 cases in the year up to 2009 but have we have taken on 92 cases in the year up to April 2010. There was an increase in the number of mental health cases taken on in the year up to April 2010. The number of housing and employment cases stayed similar to the previous year.

Michelle Miles has continued to undertake the management duties as well as the Senior Solicitor role. Michelle Miles is undertaking work on housing and employment.

The funding from the Equality and Human Rights Commission (EHRC) has been extended from April 2010. Kalim Dean and Michelle Miles continue to deal with equality and human rights cases.

Trafford Law Centre has continued to be funded by the Lottery "Advice for All" project to employ a part time housing caseworker. The funding is the result of a

consortium bid from advice agencies in Trafford. The funding is to provide an outreach service in Trafford, which began in July 2009. The outreaches help to ensure that a service can be provided that is more accessible to clients.

Trafford Law Centre has been awarded a grant from the LSC to employ a trainee solicitor. Leah Willoughby-Foster was appointed to this post in April 2009. Leah has been undertaking a varied caseload.

Robert Beech was appointed as the Mental Health caseworker in April 2009. Robert is an experienced Mental Health caseworker and has continued to establish contacts and has successfully built up a caseload of mental health files. The mental health department is very busy.

Dawn Benson has continued to improve financial recording within the Law Centre in her role as the Finance/ admin worker.

We are continuing to work hard to get information about our services out to local groups and communities. This is an ongoing task and we are also looking at developing links with our partners.

We continue to receive £7,500 for the year from Trafford Council to help deal with clients needing advice due to the recession. We also receive £7,000 from Trafford Council as a contribution towards the rent. We wish to thank Trafford Council as they have recently agreed to give funding of £25,000 to the Law Centre to help us deal with the changes to the LSC funding.

The management board is working to diversify the funding base for Trafford Law Centre so we are looking at funding opportunities. The management board has been working on a strategy to apply for funding. We are also hoping to recruit and train more volunteers and it is hoped that this will further help to improve our service.

The management board has been developing a business plan with the help of a volunteer from the Cranfield Trust. It is hoped that the implementation of this plan will help to secure the future of the Law Centre and increase the numbers of clients we help.



Administration

Dawn Benson
Admin/Finance Worker

I am responsible for preparing various monthly reports, which are required by the Legal Services Commission and the Equalities and Human Rights Commission.

I ensure that the Law Centre's financial management accounting system is accurate and up to date and prepare various monthly reports for the Senior Solicitor / Management Board .

I am responsible for ensuring that the Law Centre's casework / client database and time recording system is accurately updated in order that the Law Centre has relevant and up to date information.

I am also there to provide a courteous and efficient reception service at the weekly drop in sessions and assess clients for their financial eligibility.

I take most of the telephone calls that the Law Centre receives and provide information about areas of work covered by the Law Centre. I make appropriate referrals to other agencies in accordance with the Law Centre's policies and procedures.

Samina Begum Immigration Supervisor

It has been another busy, demanding and productive year for the immigration department at the Law Centre and was overshadowed by the tender process that the Legal Services Commission (LSC) had put into place to allocate work for the coming contract year.

The year (2009 – 2010) continued in the same vein as previous years. Work flowed in steadily and the Law Centre continued to undertake Immigration and Asylum work on the basis that everyone is entitled to the best possible representation.

As always, we have seen a continued and sustained demand for good quality immigration advice in the borough of Trafford and once again, we are pleased to welcome old clients who return to us for good advice and who also bring their friends and families to us for the same level of service.

We still continue to provide a drop in service every Tuesday between 10am and 3pm and are pleased to note that news of this service is still reaching those in need of immigration and asylum advice.

The performance of the immigration department reflects the demand for our services and in the last 12 months we have had a varied and challenging caseload, the demographics of our client base has changed to students, workers and those individuals seeking to have their family members join them in the UK.

In addition, we have had many legacy clients and overstayers contact us for advice and assistance.

The immigration department has continued to perform strongly within the Law Centre and continues to be responsible for a sustained portion of the income of the Law Centre.

The Home Office, I am pleased to note, has now commenced the resolution of asylum cases and I have been thrilled to be the bearer of news of "indefinite leave to remain" for so many of my legacy clients, some of whom have been here for nearly a decade.

The coming 12 months will be challenging, largely as we continue to get to grips with the new contract from the Legal Services Commission (to start in November 2010) but I am confident that we will continue to build on our success and help those in need of good immigration advice.

To end on a positive note, the successes we have had this year include the case of Miss D below and the recognition of many refugees and the successful outcomes of several Tribunal cases that have maintained our high success rate on appeals against the decision of the Home Office.

Immigration Case Study:

Miss D entered the UK as an unaccompanied minor and claimed asylum. She was refused asylum and granted leave to remain under the minors policy that the Home Office have.

When her leave to remain expired Miss D made an application to extend her leave to remain with the assistance of the Law Centre. At the time of her application she did not have any ties to the UK and, in addition, she did not have any further protection needs.

The Home Office considered her case as part of the legacy casework programme and it languished at the Home Office for a further 4 years in their legacy casework queue.

Eventually the Home Office refused her application without a request for further information.

During the 4 years that her case was awaiting consideration, Miss D married a British citizen and had 3 children, a boy and girl twins.

We submitted an appeal against the decision of the Home Office and asked to appeal to an Immigration Judge. We prepared a comprehensive bundle of evidence to demonstrate the genuine nature of Miss D's family life, reasons why even a short interruption to her family life would cause irreparable damage to the family unit and the family unit's ability to sustain itself in accordance with the immigration rules on maintenance and accommodation.

On the day of the appeal hearing, the Home Office representative, having reviewed our evidence and on consideration of the facts of the case, conceded that the Home Office had erred in not asking for further information and then considering those changes that had occurred in the intervening 4 years and he agreed that the Home Office should grant Miss D leave to remain in the UK on article 8 grounds on the basis that her family life would be disrupted if she had to return to her country of origin in order to apply for entry clearance to the UK as the spouse of a person present and settled in the UK.

Employment



Michelle Miles Employment Solicitor

We have had another busy year for employment cases. We dealt with 112 cases in the year up to March 2009 and have dealt with 106 in the year up to March 2010. We have dealt with the full range of employment matters including unfair dismissal, redundancy and lay off, changes in terms and conditions, breach of contract unauthorised deductions from wages and discrimination. We have been able to help more clients to gain compensation by issuing proceedings in the Employment Tribunal.

Employment Case Study

Mr X came to us in May 2009 because he had been dismissed from his employment. Mr X was employed as a Landscape Gardener since October 2000. He had been sick from work since November 2008 due to a knee injury. In February 2009 he had informed his employer that he felt able to return to work. However, he was dismissed in April 2009.

We advised Mr X that he had potential claims for unfair dismissal and disability discrimination. We advised Mr X about the procedure involved in bringing a claim in the Employment Tribunal. We drafted a grievance / appeal letter for him and also drafted the application to the employment tribunal.

Unfortunately, our funding for this case did not cover attendance at the Employment Tribunal so we were unable to represent Mr X at his hearing.

However, the Employment Tribunal is designed to allow individuals to represent themselves and takes account of this at hearings. We equipped Mr X with the legal advice and practical preparation needed for the hearing and he was successful at the hearing.

The Employment Tribunal unanimously decided to award Mr X compensation for unfair dismissal. The Employment Tribunal found that Mr X had been unfairly dismissed. They did not uphold Mr X's claim for disability discrimination. Mr X was awarded £2,740 compensation.

Housing

Leah Willoughby-Foster Trainee Solicitor

Once again, we have seen a large number of clients seeking housing advice this year. We have advised clients on a range of housing issues, including homelessness, re-housing, disrepair and mortgage or rent arrears. Despite the formal end to recession in January 2010, our clients continue to feel the impact of the economic downturn and we have seen a sustained proportion of clients with rent or mortgage arrears.

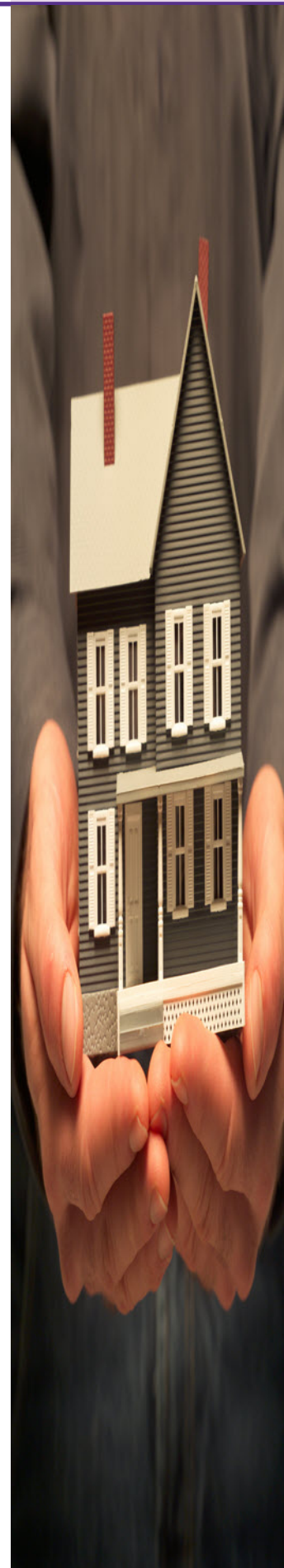
Trafford Law Centre has extended its provision of housing advice through working with the Trafford Advice Partnership. We work with a range of other advice agencies in the Trafford area in a lottery-funded project to reach a broad range of people, including the most vulnerable members of society. Trafford Law Centre attends regular outreach sessions across Trafford to deliver advice in the community and since its launch in Summer 2009, at the outreach sessions alone, Trafford Advice Partnership has helped over 400 clients.

Trafford Law Centre also continues to participate in the duty possession schemes at Altrincham County Court and Salford County Court. As part of this scheme, we advise clients at court who have hearings for the repossession of their homes and advocate their instructions at the hearings.

Housing Case Study

Ms T contacted Trafford Law Centre about repossession of her Housing Association property. Ms T had recently come off benefits and started work, but she was struggling to pay her rent as her housing benefit entitlement had changed. Ms T also had a number of problems with disrepair in her property that she was unhappy about. Ms T's landlord commenced possession proceedings at Court to evict Ms T from her property and Ms T came to our drop-in service seeking advice about her legal position in relation to repossession and disrepair.

We advised Ms T about repossession and the grounds when the Court may grant a landlord possession. We also provided Ms T with advice about her disrepair issue and some general advice about housing and council tax benefit. We attended Ms T's hearing at Court with her and we advocated her instructions at this hearing. We managed to negotiate with Ms T's landlord to agree a suspended possession order on terms, which meant that Ms T avoided repossession of her property so long as she complied with conditions that had been agreed between the parties, including gradually repaying the rent arrears that had mounted up. Ms T managed to maintain possession of her home and agreed that this was a successful outcome in the circumstances.



Mental Health

Rob Beech
Mental Health Caseworker
Leah Willoughby-Foster
Trainee Solicitor

Since the previous Annual Review in December 2009 the Mental Health Department at the Trafford Law Centre has gone from strength to strength and has continued to remain popular with patients detained in the whole of Greater Manchester as well as some patients further afield.

We have managed to retain the majority of our matter starts following the tendering process with the Legal Services Commission and we intend to build further upon the work undertaken so far upon commencement of the new contract in October 2010.

The aim for the next 12 months is to continue enhancing our reputation and popularity with patients by providing high quality legal advice and representation to some of the most vulnerable people in society.

In order to maintain our high standards we hope for Leah Willoughby-Foster to be able to make an application for membership of the specialist Mental Health Accreditation Scheme operated by the Solicitors Regulatory Authority which will ensure all caseworkers giving advice to patients have achieved the exceptionally high standard of competency set out by the SRA.

Consideration at the current time is also being given as to how we can provide further advice to people in the community through the use of drop in services with local mental health charities and advocacy services.

Mental Health Case Study

I was instructed to represent Miss O who was a 17 year old female detained under Section 3 Mental Health Act 1983 in a secure adolescent unit.

Miss O was initially admitted to hospital following a deterioration in her mental health culminating in an aggressive incident in a public place. Miss O was suffering from severe mood instability and was attempting to self medicate in the community through the use of alcohol and cannabis.

Miss O applied to the Mental Health Review Tribunal to challenge her detention and at the time of initial instructions she appeared to be extremely unwell. She was extremely deluded in her thoughts and was agitated with an inability to sit still for more than a few seconds.

Over the course of our involvement with Miss O there was a significant improvement following the prescription of mood stabilising medication and she was able to have several successful periods of leave away from the hospital environment. Despite the good progress however she remained restless and her concentration was poor.

The tribunal met in April. However, the client complicated matters by running away from the hospital several times in the days prior to hearing.

I met with the family of Miss O prior to the tribunal and they confirmed that they wanted her to be discharged home into their care despite the view of the medical professionals, which was that she should remain in hospital. They confirmed to me they would ensure she complied with medication and was occupied at home and also that they would attend the tribunal to confirm this.

The tribunal proceeded and the detaining authority put forward a case for continued detention in hospital. Miss O was agitated and restless throughout the hearing but with our assistance was able to set out how she felt and why she no longer thought she needed to be in hospital.

The management plan for Miss O could, in our opinion, easily be replicated at home with adequate statutory supervision under Section 117 and we strongly put forward this argument with the support of the family members who attended.

After a full hearing, the tribunal granted Miss O a discharge from hospital which was deferred for a week to fully put in place an appropriate aftercare plan to enable her to continue receiving treatment in her preferred environment.

Several months on from the patient's discharge I happened to see her in the reception at the hospital as she was attending an outpatients appointment and was pleased to hear from her that she was not having any further problems and had gone on to enrol at a local college to advance her education and make up for the time she lost in hospital.

Equality & Human Rights

Kalim Dean
Equality and Human Rights worker

Michelle Miles
Employment Supervisor

Leah Willoughby-Foster
Trainee Solicitor

Nadia Mustafa
Volunteer

At the time of the last annual review, we had prepared and submitted a bid for renewed funding to undertake further work on discrimination cases across all categories of the anti discrimination legislation; sex, race, disability, sexual orientation, religion and belief and age. Our bid was successful, and will now last until the end of March 2011.

Since the last annual review we have brought many cases to successful tribunal hearings or settlements. These have included recovering £7,500 in a case brought in relation to holiday pay entitlement for the long term sick which was an early application of the ECJ and House of Lords decisions in *Stringer v HMRC* in 2009, as well as settlements of £50,000 in May 2009 (a race case against a multi-national company settled outside court on the first day of the hearing); £40,000 (a disability harassment case settled days before the hearing in September 2009); and £70,000 in December 2009 (a disability harassment case against a multinational company settled outside court days before the hearing).

Discrimination is a challenging area of law to work in. Due to the factual complexity of the cases, the volume of documents involved, and because the law itself is constantly changing. For example in October 2010 the new Equality Act will come into force, which will sweep away the Sex Discrimination Act 1974, the Race Relations Act 1976, and the Disability Discrimination Act 1995 and the other anti discrimination legislation. Almost every section of those familiar acts will now be re-numbered and re-worded, and there will be wide-ranging changes to the law.

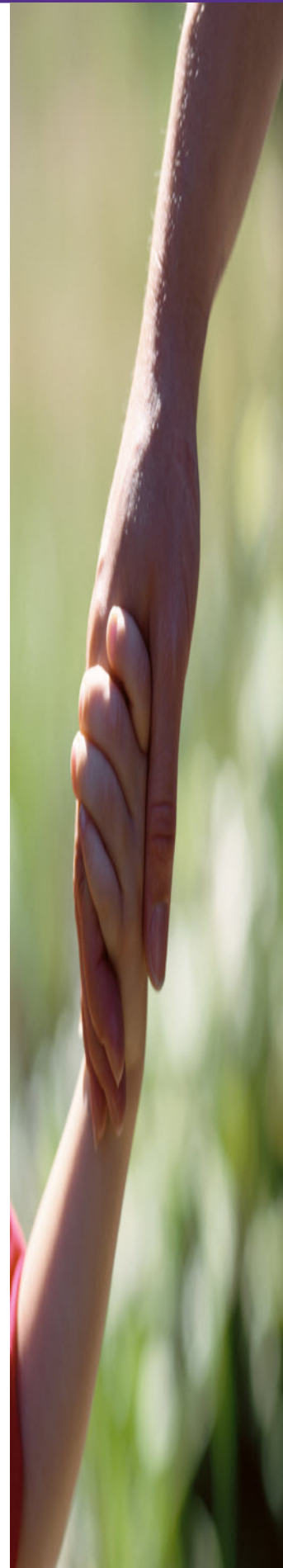
Case Study

XY v Z Limited. This was a demanding claim for disability related harassment and direct discrimination by an administrative employee against a major multinational employer which is a household name.

The Claimant had continued to work for his employer throughout a severe chronic illness lasting several years. This case consumed a huge amount of caseworker time and stretched our resources very considerably. It involved 10 witnesses for the Claimant, two of whom agreed to fly in from abroad. We prepared a lengthy statement of Additional Information on the claim in order to comply with the Tribunal's order of in the region of 20 pages, and in return served a Request for Additional Information of our own of about 20 pages. We prepared hundreds of pages of witness statements (the Claimant's statement alone was 49 pages). The hearing bundle was in excess of 900 pages. An 81 page chronological summary of the evidence was prepared in order to provide a skeleton to assist in preparing the Claimant's witness statement and to prepare for cross-examination. A psychiatrist's report was obtained on consequences that the discrimination had had on the Claimant's mental well-being. The Respondent produced 5 lengthy statements.

We continued dealing with the case after the end of our contract on 30 September 2009 during the month or so before it was renewed. We prepared to provide representation at the hearing ourselves, as no assistance could be obtained from other sources, including the Bar Pro Bono Unit and the Legal Services Commission (Legal Aid).

The case was settled in the closing weeks of 2009, only one working day before the scheduled two week hearing, for £70,000. The settlement agreement included a confidentiality clause; hence the names of the parties and full details of the case have been withheld from this account.



Statistics

files closed

March 31st 2009 -
March 31st 2010
Total closures = 411

area of law

	No.	%
Immigration	92	22.4
Housing	110	26.8
Employment	106	25.8
Mental Health	103	25.1

clients by postcode

M5	7	CW1	13
M6	8	CW2	2
M7	6	CW3	1
M8	4	CW8	2
M11	1	CW14	1
M12	5	DN22	4
M13	7	WA2	2
M14	9	WA12	2
M15	24	WA14	9
M16	43	WA15	19
M20	6	WA16	2
M21	11	WN1	3
M22	2	OL7	1
M23	7	OL9	1
M25	9	OL11	2
M27	3	OL12	9
M28	3	OL16	1
M30	5	L8	2
M31	9	L17	3
M32	36	L31	3
M33	29	L32	1
M34	1	L39	2
M38	5	LL30	1
M40	2	S44	1
M41	35	SK4	1
M44	3	SK6	1
M45	1	SK8	6
M46	17	SK9	1
		SK10	6
BB6	5	SK11	3
BB7	4	SK17	1
		ST10	1
BL1	1	NFA	1
BL3	3		
BL4	1		

client satisfaction

	No.	%
Returned	19	
Very satisfied	13	63.0

Would they use the Law Centre again?

	No.	%
Don't know	3	15.0
No	3	15.0
Nothing	1	5.2
Yes	12	62.5

Drop-in total 477

clients by ethnicity

	No.	%
Asian/Asian British Indian	6	1.5
Asian/Asian British Pakistani	18	4.4
Asian/Asian British Other Background	4	1.0
Black/Black British African	16	3.9
Black/Black British Caribbean	5	1.2
Black/Black British Other Background	8	1.9
Chinese	2	0.5
Mixed Other	2	0.5
Mixed White & Black African	2	0.5
Mixed White & Black Caribbean	4	1.0
Other	9	2.2
Refused	64	15.6
White British	96	23.4
White Irish	3	0.7
White Other	8	1.9
Client will not provide information	164	39.9

clients by age

	No.	%
16 – 25	62	15.1
26 – 35	103	25.1
36 – 45	97	23.6
46 – 55	77	18.7
56 – 65	33	8.0
Greater than 65	22	5.3
Not Specified	17	4.1

disability

9% of the Law Centre's clients described themselves as disabled.

Financial Summary

	2010		2009	
	£	£	£	£
income				
Trafford Metropolitan Borough Council Grant		17,269		12,538
Equality and Human Rights Commission		66,502		82,199
Legal Services Commission		184,114		137,236
Legal Services Commission - Certificated income		983		7,760
Legal Services Commission - Training		8,387		-
Lottery Housing Grant		8,680		-
Fees earned		(4,035)		4,309
Access to Justice Foundation		500		-
Addleshaw Goddard Charitable Trust		500		-
Government on-line filing incentive		75		100
Investment Income		69		390
Total income		283,044		244,532
expenditure				
Gross salaries	160,813		155,294	
Social Security costs	15,832		15,239	
Pension costs	1,622		1,622	
Conference event	-		8,326	
Advertising	65		4,994	
Staff training and conferences	(130)		4,242	
Publications and subscriptions	4,227		4,194	
Disbursements	18,278		12,022	
Rent, rates and water	17,043		19,950	
Stationery and postage	4,722		6,245	
Annual review printing	664		1,469	
Telephone & communications	3,598		3,648	
Travel and subsistence	2,575		2,758	
Equipment leasing	1,556		1,556	
Law Society compliance costs	2,518		1,705	
Insurances	5,064		4,640	
Computer running costs	168		130	
Office costs	3,920		2,808	
Bank charges	140		117	
Filing fees	30		30	
Depreciation & loss on disposal of fixed assets	1,060		1,850	
Compensation costs	(500)		500	
Payroll	314		358	
Professional fees	1,904		885	
Charity accounts	1,600		1,600	
Audit fees	1,650		1,600	
Relocation expenses	-		2,704	
Total expenditure		248,733		260,486
Surplus/(Deficit) for the year		£34,311		£(15,954)

This represents the income and expenditure summary for the year ended 31 March 2010, which does not form part of the statutory accounts. The audited financial statements will be filed at Companies House.

Trafford Law Centre
(A Company Limited
by Guarantee)

Auditors:

Robbins Partnership
176 Monton Road
Monton
Manchester
M30 9GA



FREE advice and information about the law

In the following areas:
housing, employment,
immigration, equalities,
and human rights

DROP-IN SESSIONS
EVERY TUESDAY 10am - 3pm

NO APPOINTMENT NECESSARY - JUST TURN UP



The Law Centre is on the second floor of Atherton House, situated at the junction of Talbot Road and Birch Avenue, opposite Kelloggs and next to Alexander House.

There is lift access to the office. If you are arriving by car, there is limited parking available in the Atherton House car park. Please telephone first to arrange parking here.



2nd Floor, Atherton House, 88-92 Talbot Road,
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www.traffordlawcentre.org.uk