

Using the law as a tool for social change & justice

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#LawCen17

I'd like to thank Julie and the Law Centres Network for inviting me to speak this morning on such an important issue. *"How the law can be used as a tool for social change and justice"*. For me, this issue is why I began volunteering as a law student at Castlemilk Law Centre back in the late 80's, and why I wanted to become a law centre lawyer.

I remember watching the decline of my working class community as a kid in Dundee's Whitfield. It was the story then - and the story now - of so many working class communities across the UK. I don't believe that unemployment, poverty, discrimination, poor housing and destitution are accidental. They are the product of political choices, and the politics of omission.

The last seven years of UK austerity policies has been a return to the squalor of 1980's inequality. Social security law has been used to punish people with nasty Dickensian sanctions that create destitution. The security of full-time employment has been fragmented with the gig economy; people have been borrowing to make ends meet with 8.3m people with problem debts in the UK.

The greatest irony of all is that austerity was, and is, unnecessary. The great film director Alfred Hitchcock always used an absurd mystery to drive his plot, which he called the “*MacGuffin*”. The story was never about the MacGuffin – which was literally guff – but a mystery was needed as a device to set up the real story.

The MacGuffin for austerity was the 2008 financial crisis. A self-made implosion caused by ethically corrupt, greedy casino traders and bankers. The bail out of the banks was always a balance sheet exercise, but the UK Government used that crisis as an excuse to get nasty with people they didn’t like or value when they got into power in 2010.

For me politics, economics and the law are manifestations of power.

And power isn’t inherently bad or good. The reason we have good or bad laws is because legislation is the manifestation of choice. It’s made up of who we want to help, who we want to exclude, prejudices, favoritism, and often some good intention.

The law should always be a force for good, fairness and what is just.

And when it is not – like now - it’s our job as law centres to campaign for change – and until change happens – use the law as best we can to mitigate detriment to the communities we serve.

I would like to give some examples, and I want to kick off how Govan Law Centre has responded to the crisis of rough sleeping and homelessness in Glasgow.

The official statistics belie the true extent of homelessness and rough sleeping. Some years ago we realised we weren't connecting with many vulnerable groups, particularly rough sleepers, so we created our "**Rights Hubs**".

These are multidisciplinary services including legal, debt and money advice, welfare rights, social care, with the ability to link in to various other statutory and third sector services.

We placed our Hubs in various locations, initially, within City Centre homelessness charities supporting rough sleepers, and then within mental health hospitals, social work care centres and health centres. The idea was to be as accessible as possible, and provide access to a range of services at a time and place convenient to the potential client.

Our Rights Hubs have been a great success and last year we secured half a million pounds from the Big Lottery to set up a similar model but focused on the private rented sector across Glasgow; and using a multidisciplinary team. While relative poverty in Scotland has declined for homeowners and those in the social rented sector, it has grown in the private rented sector.

The private rent sector has trebled in size in recent years, and rents have increased by 25% across Scotland's central belt in the last 6 years – double the rate of the Consumer Price Index. The problems associated with this sector will be very familiar to anyone practicing housing law in the UK.

Law centres are in a prime position to use their casework experience to identify systemic problems within an area of social policy or legal practice. In my view, that experience should be used to develop solutions, backed up

with hard empirical evidence, and used as a springboard for campaign work, lobbying and public legal education.

Returning to the issue of rough sleeping, Govan Law Centre has used its casework knowledge from the Glasgow Winter Night Shelter to highlight systemic failures, and campaign for change. We use judicial review assertively for clients – which we can do in-house with extended rights of audience – and have had over 20 cases in the last year or so. We've got 300 rough sleepers into temporary or permanent accommodation.

But we've also recognised casework in itself isn't enough, you need to get to the root of the problem. Earlier this year we worked with the First Minister's Policy Unit, and were delighted to see the Scottish Government recently commit to eradicating rough sleeping, with an additional £50m over the next 5 years.

There is also a willingness to change practice, policy and the law, with an short-life action group set up to make recommendations to the Government on how we can end rough sleeping in the short term, and ultimately end homelessness.

Of course there are many different ways to use the law as a tool for social change. I wanted to give a few more examples from Govan Law Centre's experience.

Self-help & consumer empowerment – online toolkits can be very powerful – we've used these successfully for unfair UK bank charges; challenging payday loan fees and charges; and the bedroom tax.

Social media and petitions – GLC campaign for no evictions for bedroom tax Scottish Parliament petition.

Parliamentary evidence – welfare reform, bedroom tax, draft bankruptcy fees order.

Research reports – empirical evidence – GLC “Powerless” report on PRS tenants; forthcoming Carers research.

A common thread that runs through all of these is that building partnership support is essential for success. Such strategies can also be directly tied in with funding initiatives and new project ideas.

All things are possible, if you never lose heart, never give up hope, and always keep trying.



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