

govan law centre annual report

2004-05

making a difference for adults and children in legal need



Expert blames double-glazed windows for the epidemic

SCOTLAND'S BEST-SELLING DAILY

The Herald

TUESDAY MAY 4

Boy's asthma case to make legal history

Mother sues claiming bad housing is cause

EXCLUSIVE

HELEN PUTTICK
HEALTH CORRESPONDENT

A SCOTS woman who claims damp conditions in her home gave her son asthma is taking her landlord to court in the first case of its kind in the UK.

Four more cases where residents are claiming conditions in their homes set off the life-threatening illness are under investigation.

Solicitors have warned that...

boy's exposure to high levels of the faeces of house dust mites, which like warm, damp conditions, caused his condition.

Dr Stirling Howieson, an architect and engineer at Strathclyde University with a special interest in housing and health, has tested Ms MacKenzie's flat for a protein in dust mite faeces associated with risk of asthma.

In his report, he said the levels of this protein were the highest he had seen in six years. He said: "The conditions in the dwelling which have prevailed

Mike Dailly, principal solicitor at Govan Law Centre, who is taking forward the case, said: "What we hope to do is to show that damp living conditions can cause asthma in a child. That has never been done before, and if we are able to make that causal connection then the value of claims in terms of liability are going to shoot up."

Adrian Stalker, principal solicitor for the Scottish Housing Law Service at Shelter Scotland, confirmed it was investigating four similar cases.

Rachel Cackett, campaigns officer for Shelter Scotland, said she has got some of

LANDMARK legal challenge by a disabled 16-year-old to restrict the ability of teachers to exclude disruptive children from Scottish schools.

Aidan Fox-Flynn's appeal against his expulsion from a special needs school in Glasgow's East End last year is heard in the Court of Session, the first time a school expulsion has reached Scotland's supreme civil court. The case, which could force teachers to give detailed reasons for expulsions, leaving them open to challenge, will be a headache for the Scottish executive. Mr Fox-Flynn, 16, is currently on a course designed to give him more discretion when he returns to school. Mr Fox-Flynn spent a year of his life in Glasgow.

ages of three and six, he was operated on four times in an attempt to control the seizures, which had left him brain damaged and partially blind. His first operation was a hemispherectomy which removed part of his brain. The analysis

Joanne Robertson

the case in the Court of Session as officials believe that a previous decision by Sheriff Susan Raeburn QC in favour of the teenager will affect the council's policy of every council's

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12 THE EVENING TIMES Monday February 12

Housing Association d

Evicted tenants could get after legal

By Stewart Paterson

DOZENS of tenants

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GOVAN LAW CENTRE

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left: mould growth & dampness in clients' home; right: clients' cold water tank

summary ⊕

- Almost **2,000 people** attended Govan Law Centre educational events in 2004/05 – all events were free to residents of the G51 area of Glasgow.
- GLC hosted events on **44 separate days**; while our solicitors contributed to educational events held by other charities and organisations on **45 separate days** during 2004/05.
- No client represented by the law centre for repossession was evicted or repossessed.
- Between 1 April 2004 and 31 March 2005, Govan Law Centre solicitors provided free representation for clients on **462 separate occasions**, in the Sheriff Court, Employment Tribunal, and Social Security Tribunal (many of these appearances were full or part day hearings of evidence or legal debate).
- **1,119 client cases were progressed last year**, with **449 new substantial client files** opened; in addition **35 clients** were assisted by way of ‘quick surgery’ free appointments, and **605 people** were provided with legal advice through the law centre’s free advice lines.
- At any one time Govan Law Centre defends around **100 active eviction and mortgage repossession actions** at Glasgow Sheriff Court.
- The law centre continued to pioneer and develop legal remedies, with some of our casework being reported in the official law reports – Session Cases, Scots Law Times, Housing Law Reports - and the Employment Appeal Tribunal’s official website.
- Partnership work continued with organisations including Glasgow City Council’s South West Area Implementation Group, the Gypsy Traveller Law Reform Coalition, Commission for Racial Equality, UNISON Scotland, and the Scottish Association of Law Centres, among others.
- Govan Law Centre has continued to develop free on-line legal resources to tackle social disadvantage. At www.govanlc.com citizens and advisers have instant access to advice. At www.bankcharges.info consumers can learn how to get bank charges refunded. Education law information and advice is available at: www.edlaw.org.uk. Support for teachers, parents and pupils on the 2004 Education Act is available at www.additionalsupportneeds.org.uk. Almost **250,000 people visited our sites last year**.
- All of the above specialist services were delivered free to the people of Govan and Glasgow at a cost of £110,000 to Glasgow City Council.



foreword ⊕

It has been another year of development at Govan Law Centre. Our national Education Law Unit (ELU) has continued to develop its services with funding from the Scottish Executive and BBC Children in Need. We also secured new funding from the Glasgow Homelessness Partnership to employ a trainee solicitor and homelessness project worker.

The guiding light for all law centre work is contained with our aims and objectives. We are committed to using the law and legal skills to tackle poverty and support vulnerable people in our society: and where possible, to empower citizens to help themselves. To that end not only do we provide free advice and representation in all courts & tribunals, but we provide a range of courses on important legal subjects. All Govan residents are entitled to attend Govan Law Centre courses for free.

We are keen to work in partnership, and this year we have worked with Glasgow City Council's South West Area Implementation Group, the Commission for Racial Equality, Enquire, the Scottish Association of Law Centres (SALC), Elaine Smith MSP (drafting the Breastfeeding etc., (Scotland) Act 2005) and Mohammed Sarwar MP (Prevention of Homelessness Bill). All of these groups and individuals are committed to the fight against poverty and social disadvantage.

I was delighted to note that we are now perhaps the only law centre in the UK to have drafted legislation in both the Scottish and UK Parliaments. Where appropriate, we believe it is important to use our casework experience to inform the policy making process. I am pleased that we have now launched a *Parliamentary Unit* to take our policy work, and that of our partners, forward.

This year our Principal Solicitor continued as secretary of the Scottish Association of Law Centres (SALC). Our own secretary, Cllr John Flanagan, was appointed chair of SALC. Govan Law Centre continues to play a central role in the overarching aim of developing and expanding the work of law centres across Scotland.

As chair of the Board of the Govan Law Centre Trust I would like to take this opportunity to thank all of our trustees for their hard work over a very successful year. I would also express my thanks to the law centre's staff team – past and present – for their efficient and excellent work that has helped ensure that Govan Law Centre provides a first class legal service for its community. Particular thanks go to our principal funding partners, Glasgow City Council, the Glasgow Homelessness Partnership and the Scottish Executive, without whose support we could not deliver a free legal service.

New members of staff this year include Amy Niven, Trainee Solicitor, and Alistair Sharpe, Project Co-ordinator, Prevention of Homelessness Project. Both Amy and Alistair's presence has significantly enhanced the capacity of the law centre's team.

Tommy McMahon
Chairperson
Govan Law Centre Trust
Govan, 22 December 2005

introduction ⊕

Govan Law Centre's primary client group are those residing within the Greater Govan area of Glasgow, who experience poverty or social disadvantage. In accordance with Glasgow City Council's review of legal and money advice services GLC is working to provide a service covering the South West of Glasgow. We also have a City-wide remit to prevent mortgage repossession and eviction.

Poverty and social disadvantage can affect anyone. Manageable debts can soon become unmanageable following relationship breakdown, health problems, the loss of employment or personal life crisis. GLC is never judgmental. Our role, at all times wherever possible, is to use the law to resolve, limit or alleviate a client's problems – whether that means preventing eviction, maximising benefits, maximising income through compensation, reparation or employment law rights, limiting the impact of debt, securing major housing repairs, or challenging adverse decisions of public bodies.

The population of Govan has declined by more than 20% in the 10 years between the 1991 and 2001 census. Many residents in Govan experience poverty. Within the G51 area 51% of adults are workless¹ – that is more than double the rate for Glasgow, and more than 3 and half times the rate across Scotland. A report from NHS Health Scotland², published in 2004, confirmed the following socio-economic statistics for Govan:

Child health

There were 2,585 'looked after children' in Govan, which was 111% higher than the Scotland average. There were 50 teenage alcohol hospitalisations – more than 40% above the average for Scotland.

Ill health and disability

There were 1,168 alcohol related hospital admissions, which was 58% above the Scottish average. Almost 24% of residents had a limiting long term illness (Over 16% above the Scottish average). Lung cancer death were 62% higher, while drug related deaths was 130% higher in Govan than the rest of Scotland.

Education

Of children leaving school in Govan, 12.6% left school with no qualifications (136% above the average for Scotland).

Income

21% of residents were in receipt of the 'breadline UK benefit' of income support (70% above the Scottish average). 53% of households had no car (56% above the average figure for Scotland). Some 4,237 children lived in workless households – 95% above than the Scottish average.

¹ Greater Govan SIP Baseline 2002 and SLIMS Labour Force Survey – Local Authority Database 1995-2000. The Glasgow and Scottish figures are from 2000, while the Govan figure is from 2001.

² Based upon the Govan Westminster constituency geographical boundaries and available on-line at: http://www.govanlc.com/glasgow_govan.pdf

Social environment

Some 28% of all families are lone parent families (more than 56% above the Scottish average). Drug-related deaths are 129% higher in Govan than the rest of Scotland.

Crime

The incidence of serious assaults is 96% higher in Govan than Scotland overall, while drug dealing crime is 102% higher on average.

Poverty and social disadvantage cannot be cured by the law alone. However, citizens in Scotland have an important number of legal rights that can often mean the difference between having a basic standard of life, and having no life at all. Rights can directly impact upon health and well-being. Rights can make the difference between having money to buy food and having somewhere to call home.

Govan Law Centre has continued to build on its services over the last year. We secured funding from the Glasgow Homelessness Partnership for our new *Prevention of Homelessness Project*. Iain Nisbet was assumed as partner of the law centre's legal practice. Govan Law Centre now employs two trainee solicitors which means we can provide more services to the people of Glasgow.

Although our core work is focused in the South West of Glasgow, we continue to handle a large volume of eviction and mortgage referrals from across Glasgow City. This year we also entered into contracts to provide a mortgage rescue service for East Renfrewshire Council and East Dunbartonshire Council.

The launch of our Parliamentary Unit has seen commissions from UNISON to draft the Health Board Elections (Scotland) Bill for Bill Butler MSP, as well as a commission from the Gypsy/Traveller Law Reform Coalition to draft a Gypsy Traveller Law Reform (Scotland) Bill. GLC also undertook a major commission from Glasgow University's Student Representative Council to revise its constitution and governance structure.

Finally, the law centre was delighted to learn that it had been short listed for the 2006 Scottish Legal Awards. Other nominees include some of the largest law firms in the UK.

Mike Dailly
Principal Solicitor
Glasgow
22 December 2005

Legal team during 2004/05

Mike Dailly, Principal Solicitor

Iain Nisbet, Partner & ELU Co-ordinator

Margaret Dickson, Associate Solicitor

Lorraine Barrie, Solicitor

Amy Niven, Trainee Solicitor

Alistair Sharpe, Project Worker (Prevention of Homelessness project)

Alice Morgan, Paralegal

Morag Steven, Mediation consultant

Margaret Sneddon, Legal Clerical Officer

Anne Taylor, Information & Legal Clerical Officer

Theresa Hogg, Legal Clerical Officer

Jan Smith, Finance Officer (part-time)

Mary Dalziel, Finance Assistant (part-time)

Management team during 2004/05

Tommy McMahon, Chairperson

John Flanagan, Secretary

Georgina Hay, Honorary Treasurer

Danny McColgan

Frank McGuigan

Bill Pritchard

Mike Dailly (*ex officio*)

representation & advice ⊕

The majority of solicitor time at Govan Law Centre is taken up with providing direct advice or representation at the Court of Session (through advocates acting on our behalf), Sheriff Court, various tribunals (employment and social security), the Children's Panel and various statutory appeal bodies (such as the education appeal committee and the Criminal Injuries Compensation Appeal Panel). Providing qualified legal representation can be complex and time consuming. Govan Law Centre has a first class success record in its litigation and representation work.

When no one else can help – making a difference

Our work is focused on 'unmet legal needs' and is designed to alleviate poverty or social disadvantage. The work we undertake is often unattractive to private practice solicitors either because there is no or limited legal aid available, or because the rate of remuneration is too low in relation to labour and expertise. Equally, much of what we do is beyond the experience or competence of generalist advice agencies. Govan Law Centre has a good working relationship with many Glasgow advice agencies and where appropriate refers cases on that do not require the skill of a law centre solicitor. We also receive referrals from advice agencies with clients who do require our particular skills. This co-ordinated approach is as it should be.

As some of our legal work is novel or cutting-edge, our cases are regularly reported in the Scottish law reports, as well as attracting television and newspaper interest. We use our casework experience to campaign for progressive changes in the law. The scope of our work includes the following areas (this list is non-exhaustive):

- **Housing law** - defending evictions, preventing mortgage repossessions, the law on repairs, the law on homelessness, home loss and disturbance, allocation, compensation for and reparation claims for ill-health, burst pipes and unlawful eviction.
- **Employment law** - tribunal claims and representation at the Employment Tribunal and Employment Appeal Tribunal.
- **Debt** - defender debt and diligence, and sequestration.
- **Discrimination law** – disability, sex and race discrimination claims.
- **Child law** - representation at children's hearings and appeals to the sheriff court.
- **Education law** - representation at education appeals and sheriff court appeals by way of summary application.
- **Environmental health law** - EPA actions for noise nuisance and serious dampness & disrepair.
- **Criminal injuries compensation** - representation at criminal injuries appeals and judicial review.



Dampness & disrepair

- **Housing benefit** - backdating, overpayment appeals, tribunal representation and judicial review.
- **Social security law** - representation, appeals and judicial review.
- **Consumer disputes** - Sale of Goods Act, indemnity insurance, Consumer Credit Act and time orders.
- **Charity and company law** – legal services to voluntary organisations.

The following illustrations are a *brief example* of our advice and representation work during 2004/05 –

Community care

- Clients with disabled adult twin daughters lived in unsuitable overcrowded accommodation. The clients sought adaptations to the property to cater for their needs. The housing association eventually agreed to adapt the property but proposed to build only a single bedroom extension for the twin who is currently a wheelchair user. Both have learning difficulties and the other twin's condition is likely to deteriorate in the near future to the point where she will also become a wheelchair user. The family was not happy with the proposal as this solution did not help with the issue of overcrowding and would separate the twins who had always shared a room and isolate one of them in from the rest of the family. An independent psychologists report was obtained which condemned the conditions the family lived in and stated these were having a severely detrimental effect on their mental wellbeing, particularly that of the mother. Further the report stated that separating the twins would have a very adverse effect on their psychological state as they were very close and dependant on each other for company and support. On receipt of the report the housing association reconsidered its plans and will now build a double extension and bathroom to house both twins thus freeing an extra bedroom for use by the family. It will also provide an extra bathroom for use by the family as required by law in terms of the number of adults living in the house.



Contract law

- A client had worked for a Glasgow nursing agency (as a nurse) for 20 years, but shortly after the take-over of the agency by a large UK company his membership of the agency was terminated and he lost his job. The client had no employment rights (as this was an agency contract) but GLC in identifying a breach of contract point was able to obtain civil legal aid and raise litigation in the sheriff court. We secured £5,000 for the client (part of which was used to repay mortgage arrears accrued whilst the client was out of work, and dismiss an action for repossession), and reinstatement with the agency – thus enabling the client to return to his job as a nurse.

Debt & diligence

- Mrs J was referred to Govan Law Centre by a Glasgow advice agency. Sheriff Officers had arrested tax credits paid into Ms J's bank account. They refused to release same. We intimated commencement of proceedings for suspension and interdict upon the basis it was unlawful to arrest clearly identifiable tax credits. The legal position here can be complicated but after our intervention the sheriff officers agreed to release the funds. As the client was not eligible for SLAB advice and assistance this work could not have been undertaken without a free law centre service.
- Our local money advice agency made an urgent referral of a mother with dependent children who was about to be sequestrated for council tax arrears. She was an owner occupier and if sequestrated faced the possibility of the forced sale of her home. Working

jointly with the money advice agency we were able to challenge the sequestration when it called in court, and in the intervening period enable payments and an application for council tax benefit to be made. The petition for sequestration was subsequently dismissed.

Discrimination law

- GLC settled two long running claims of disability discrimination, one for £20,000 and the other for £10,000.
- Two Disability Discrimination Act (DDA) cases went to the Employment Appeal Tribunal. In the first, on the question as to whether the claimant was disabled within the meaning of the Disability Discrimination Act, we were again, following a similar case in 2003, successful in having the case remitted back to the tribunal for further evidence. The case is ongoing. In the second case the appeal was withdrawn by the claimant after the respondents indicated that, on the basis of the issues raised in the case, they had made changes to their policies and procedures for dealing with disability related sickness absence. This case was referred to GLC by a local mental health project after concerns expressed by a number of their clients about their treatment by an employer involved in a training project for people with mental health impairments.
- The Law Centre was approached by housing association tenants (GHA) who wished to exchange homes with a tenant of an English local authority in order to be nearer their family. Both husband and wife are wheelchair users. The tenant they wished to exchange with was visually impaired. The housing association obtained a report from the local authority occupational therapist who stated that the tenancy had been specially adapted for a wheelchair user. On that basis they refused to allow the exchange using the provision in the Housing (Scotland) Acts which permits them to do so where the property has been adapted for a tenant with special needs. The tenants did not agree that the tenancy was suitably adapted for wheelchair users. GLC obtained a report from an access consultant, himself a wheelchair user, on the issue. The report was carried out, using the tenants' own wheelchair to navigate the property, to assess the level of adaptation with reference to the relevant building standards. The consultants' report clearly demonstrated the property was not suitably adapted several major respects. An appeal was convened by the local authority to hear the tenant's case. GLC represented the tenants at the hearing. It was put on behalf of the tenants that, having demonstrated with reference to the independent access report that the property was not suitably adapted; the housing association could not use the Housing Acts to prevent the exchange. Further it was asserted that as that reason no longer applied any attempt to prevent the exchange would be discrimination in terms of Part III of the Disability Discrimination Act 1995 (the Act prevents Landlords from treating tenants less favourably for a reason related to their disability). The appeal was upheld and the exchange granted.

Education law

- G & S are brothers aged 9 with suspected autism. Their mother made a placing request for them to be placed in a specialist communication disorder unit. The placing request was refused and the mother appealed successfully to the education appeal committee. Despite the appeal committee's decision, the Council refused to allow the brothers to attend the specialist unit, saying first that it was full, then that the boys' needs were not as severe as the mother was making out. Govan Law Centre lodged a petition for judicial review in the Court of Session seeking immediate implementation of the appeal committee's decision. In the face of this, the Council conceded and the boys were allowed to go to school, where they now receive one to one tuition and a dedicated curriculum.
- T is a boy with special educational needs. He attended a small village school where his needs were well met. The Council proposed to close the school due to the smaller numbers attending. Its education committee voted to close it. Govan Law Centre challenged

the decision in Court on the basis of inadequate consultation with parents, and the Council agreed to reverse its decision to close the school and undertake a fresh period of consultation.

- G is a boy whose special educational needs were leading to challenging behaviour in school. The primary school did not feel it was getting adequate support or resources from the education authority, and resorted to frequently excluding the child from school. Following the intervention of the Govan Law Centre, G started at a new school which was more able to meet his needs. A total of seven exclusions from school were overturned by the education appeal committee.
- D is a boy with many complex needs. Following an appeal to the Scottish Ministers over the content of Parts 3B & 4 of his Record of Needs, the Council amended Part 5, which is supposed to detail the extra help to be provided. Part 5, in fact, was very brief and did not mention many of the needs outlined in the Record or how they were to be met. Govan Law Centre lodged a petition for judicial review on the basis of this lack of detail. The Council, having taken legal advice, agreed to redraft Part 5 in further detail.
- P is a girl with special needs. She attended a special Primary School and, when the time came for her to transfer to Secondary School, her teacher recommended that she go to the associated Secondary School with the rest of her peer group. As this was not her local school, her parents were told to make a placing request, which was granted. However, the Council then refused to provide transport to the new school, because of the placing request. Following Govan Law Centre's intervention, the girl was assigned a taxi with escort to take her to school.
- J is a six year old girl with speech and language difficulties. Her mother wanted her to attend a specialist language unit when she started primary school. The Council were offering a mainstream primary school with 30-45 minutes of outreach support per week. The council argued that there was a presumption of mainstreaming and only "exceptional" children could attend specialist units. J's mother made a placing request, which was refused. She appealed to the education appeal committee, but was unsuccessful. The only remaining avenue was a further appeal to the sheriff court, but it was very close to the start of term by this stage. Instructed on Thursday, the Govan Law Centre drafted and lodged an appeal to the sheriff the next day. The case was heard by the sheriff on the following Friday, Tuesday, Wednesday and Thursday with the decision being delivered the following day. The appeal was successful and J began her place at the language unit at the beginning of term.

Employment law

- Govan Law Centre successfully pursued four constructive dismissal claims on behalf of clients, in three of the cases the tribunal awarded compensation and in the fourth the respondents settled the claim during the course of the hearing. In two cases a mother and daughter were successful in their claims against a local supermarket that they were forced out of their jobs by their managers' bullying. Both received compensation, in the mother's case based on her redundancy entitlement after nearly twenty years service.
- Several other unfair dismissal cases were successfully pursued resulting in settlements of up to £4,000.

Housing Law

- Eviction proceedings were raised against a client whose home was due to be demolished. The client's had stayed in her home for twenty years, and yet she was only offered alternative accommodation in areas at the opposite end of the city. She wanted to be rehoused in the same area she had lived all her life. Her landlord refused and raised eviction

proceedings. When Govan Law Centre became involved, our client was offered a new build property in her local area and the eviction proceedings were dropped.

- We successfully defended an eviction action where the tenant had arrears of almost £3,000 with GHA Ltd. The GHA Ltd agreed to discharge the proof and dismiss the case without expenses after GLC identified a competency point: the action was raised after service of the NPRP in terms of a secure tenancy agreement with GCC, but GHA had subsequently entered into a new SST with the client after service of the NPRP – thus failure to comply with s.14, Housing (Scotland) 2001 Act.
- We continue to pursue and settle a number of penetrating and compensation dampness actions. For example, in one case £1,500 *solatium* was obtained with respect to one and half years of inconvenience.
- In a private sector eviction action we spotted a competency point which could have meant the action being dismissed. We negotiated with the landlord's agents to write off all rent arrears and pay the tenant £1,000 upon the basis that she left the tenancy voluntarily.
- We are currently pursuing a child asthma test case utilising state of the art technical evidence courtesy of Strathclyde University whereby dust mite populations can be measured and mould spores compared with client blood samples in order to prove damage to health due to poor living conditions. For the first time in the UK we are attempting to prove that our client's asthma was caused by exposure to a high level of dust mites, which was caused by the landlord's failure to tackle severe penetrating and condensation dampness.
- GLC undertakes eviction defence work every week in Glasgow, including recall of decree and reponing note work. In the last year we appeared in the sheriff court on no less than 363 separate occasions with respect to housing cases generally. Many of these appearances relate to parts of, or whole days. None of our clients were evicted or repossessed.



Housing benefit & eviction

- A young mum came to see us as she had been threatened with eviction proceedings. She worked full time and had been advised she was not eligible for housing benefit. We stopped the eviction, helped the client enter into a repayment plan and referred her to a Welfare Rights Officer to reassess her housing benefit claim. When her claim was reassessed, she discovered she was entitled to have 75% of her rent paid by housing benefit and a backdated payment of £746 was processed. She is now better able to repay her arrears as she is receiving her correct benefits.
- A client and her young family were threatened with eviction following due to rent arrears accrued following a marital breakdown. Our client applied for Housing Benefit when she and he partner split up. Six months later eviction proceedings were raised and she discovered her application had not been processed. After writing to the Housing Benefit Department on several occasions, our client's Housing Benefit application was found and a backdated award of £1010.24 was made. Our client has remained in her home, is now receiving full Housing Benefit and is repaying her arrears through the Arrears Direct Scheme.

Indemnity Insurance

- In many mortgage repossession cases handled by GLC, clients are in receipt of mortgage protection policies. However, it is common practice for insurers to refuse to honour these policies. GLC has been very successful in challenging refusals, and in more serious cases we seek the courts permission to bring the insurance company into the

repossession as a third party. Over the last year we have secured payouts from £1,000 to £5,000, resulting in mortgage arrears being repaid and proceedings being dismissed.

Preventing repossession: legal expenses

- In a complex and long running mortgage repossession action which included four discharged diets of proof the banks expenses in this case were almost £3,000. The action was dismissed and GLC successfully persuaded the bank not to use its indemnity clause (standard condition 12) given the particular circumstances of this case, thus saving the client around £3,000, which would have otherwise simply been debited to her mortgage account, resulting in the threat of repeat homelessness.



Voluntary organisation support

- GLC continued to assist many Glasgow voluntary groups in obtaining charitable status, incorporation, negotiating commercial leases, and advice with respect to employment policies and good practice.

CASEWORK STATISTICS

<i>Year</i>	<i>New files opened</i>	<i>Quick surgery cases</i>	<i>Telephone advice</i>
1995/96	122	89	107
1998/99	308	153	133
1999/00	380	183	231
2000/01	585	322	221
2001/02	431	257	115
2002/03	300	84	353
2003/04	374	77	558
2004/05	449	35	605

⊕ Key: 'files opened' include substantial cases which can require representation at court or tribunal on several separate days; 'quick surgery cases' include legal problems that can be assisted without the need to open an ongoing file; 'telephone advice' includes assistance provided through the law centre's legal and education law advice lines.

GLASGOW CITY COUNCIL OUTPUT MONITORING DATA

1ST APRIL 2004 – 31ST MARCH 2005

• **Number of appearances at court & tribunal**

Landlord & tenant eviction	184
Mortgage repossession	151
Debt	23
Social security appeals	7
Employment tribunal	16
Education appeals	48
Judicial review/Court of Session cases	5
Compensation/reparation	28

- **Total number of ongoing cases: 1,119**
- **Number of new individual clients files opened: 431**
- **Number of voluntary organisation new clients: 18**

legal education ⊕

Community law centres are a leading provider of high quality legal education in Scotland. All Govan Law Centre (GLC) seminar and conferences are free to residents within the G51 area of Glasgow. Where possible, we offer a number of concessionary and discounted places, on application, to advice agencies or organisations with little or no training expenditure. The primary purpose of our educational work is to alleviate poverty or social disadvantage in Glasgow. This is achieved by ‘information cascade’, in other words by demystifying the law, we can make legal skills accessible to numerous advisors and individuals – and in so doing, ensure that more of Glasgow’s citizens become aware of their rights, remedies and legal responsibilities.

Ideas for events come from a number of sources: in consequence of novel or test casework undertaken by the law centre; in response to local community need; and as a result of Westminster and Scottish Parliament law reform which impacts upon the Govan and wider Glasgow communities. Speakers at GLC events have included our own solicitors, sheriffs, advocates, private practice solicitors, legal academics, children’s reporters, MSPs, civil servants from the Scottish Executive’s Education Department, and managers and officers from Glasgow City Council’s Trading Standards Department. The law centre’s first class reputation ensures that it continues to attract some of the very best speakers in Scotland. All professional speakers give up their time for free, and we are indebted to their goodwill.



In the year 2004/05, some 2,000 people attended Govan Law Centre conferences. We have dramatically increased our educational work due to the establishment of our specialist Education Law Unit, which has been responsible for a strong training programme. We are registered with the General Teaching Council’s national register of CPD providers.

Full details of all of our past and current educational events are available at: www.edlaw.org.uk and www.govanlc.com.

Govan law centre solicitors have recognised expertise in a number of legal fields and are often asked to lecture at events organised by other organisations. In the last year, professional contributions were made to events organised by: The Law Society of Scotland, Local Government Lawyers Association, Enquire (Scotland), Central Law Training, Legal Services Agency, and Direct Payment Scotland.

The law centre continues to stock a range of free leaflets and booklets on a wide range of welfare rights and legal topics. These are available to the general public within our display sections at 47 Burleigh Street, Govan, Glasgow. We also provided a large range of free legal resources through our internet website: see section below entitled ‘www.govanlc.com’.

- *2,000 people attended Govan Law Centre events in 2004/05.*
- *Last year, Govan Law Centre held educational events on 44 separate days.*
- *Our solicitors contributed to educational events held by other organisations in Glasgow on 45 separate days during 2004/05.*
- *Almost 250,000 people visited our websites last year.*
- *All events are free to residents of the G51 area of Glasgow.*

partnerships

During the last year we have participated in a range of partnership work, including:

Glasgow City Council South West Area Implementation Group

- Govan Law Centre has been an active member of the South West AIG, along with other local advice agencies, the social work department, health representatives, and welfare rights officers. This group is part of the Council's city-wide strategic review of legal and money advice services which has led to the implementation of service level agreements and a standardised quality control system. GLC also participates in the local South West Mental Health Forum.

Gypsy Traveller Law Reform Coalition

- Govan Law Centre has been commissioned to draft a law reform bill for Scottish Gypsy Travellers, with a focus on housing and planning law. We have worked closely with the coalition group (comprising of Gypsy Travellers from across Scotland, the Commission for Racial Equality and Save the Children Fund) which meets regularly in Glasgow & Perth.



Gypsy Travellers

Breastfeeding Advisory Group

- Govan Law Centre has assisted Elaine Smith MSP in the framing of a private member's bill to encourage, promote and safeguard the breastfeeding of young children. The health benefits of breastfeeding are internationally recognised, yet breastfeeding is less common in communities with high levels of poverty. The bill was passed by the Scottish Parliament on 18 November 2004, and came into force as the *Breastfeeding etc., (Scotland) Act 2005* on 18 March 2005.

Stage 3 – Breastfeeding Bill



Health Board Elections Steering Group

- Govan Law Centre has been commissioned by UNISON to draft the Health Board Elections (Scotland) Bill for Bill Butler MSP. We are also members of the bill's Steering Group.

Scottish Association of Law Centres (SALC)

- Govan Law Centre is a full member of SALC, which meets every six weeks in Glasgow. SALC is an umbrella organisation for law centres in Scotland, but also works with the following associate members: Equal Opportunities Commission, Disability Rights Commission, Scottish Refuge Council, Enable and Shelter Scotland.

education law unit

Our Education Law Unit (ELU) is a national expert legal resource for anyone who advises either children with special educational needs or their parents. Working in partnership with the voluntary, statutory and independent sectors, we seek to increase the quality and availability of training, information and advice available to such advisers and to support and assist them in making the rights of children with special educational needs a reality

Training

Our training activities have covered over 1,500 teachers or educationalists; plus around 120 workers from the advice or voluntary sectors and around 120 parents. In addition, supported by Glasgow City Council and with the support of the Scottish Committee of the Council on Tribunals, we ran a national seminar for the clerks and members of education appeal committees. Delegates came from all over Scotland to this event, which was the first of its kind since the inception of the committees. We are now in the process of producing an audio-visual CD-Rom training pack, which will be made available to the education appeal committees.

Information

Over the course of the year, improvements have been made to the www.edlaw.org.uk website in order to increase accessibility for those with visual impairments and other disabilities. External auditing and/or validation of these improvements is planned.

We are in discussion with www.cli.org.uk and www.parent.org.uk with a view to partnering with them in making our leaflets on pupils rights (in Gaelic) available online for Gaelic speaking children and their parents. Meanwhile, Gaelic versions of our leaflets are available on our own website.

We are in the process of producing a new website to coincide with the coming into force of the Education (Additional Support for Learning) (Scotland) Act 2004. The website will be a one-stop site for information and resources relating to the new legislation and additional support needs (see: www.additionalsupportneeds.org.uk).

Advice

In addition to hundreds of calls requesting general information, leaflets, enquiring about training, etc. we gave detailed legal advice on 554 occasions throughout the year. A typical enquiry is made by a parent or voluntary agency by telephone and will last approximately 10-12 minutes. All enquires are answered by legally qualified staff. Feedback sought from users indicated a 92% satisfaction rating.

Mediation

Our ASN Mediation Service, now known as Respect Mediation, continues to promote the use of mediation as an appropriate tool for dispute resolution within education. We continue to provide ongoing training for our sessional mediators, who have been involved in drawing up standards and procedures for the service. We are providing mediation awareness training for a number of education authorities and the number of cases we are handling is steadily increasing. We are working closely with Dumfries & Galloway, East Ayrshire, North Ayrshire, Midlothian and East Lothian Councils.

Pupil Representation Project

Additional funding from BBC Children in Need has allowed us to run a pupil representation programme, which has seen us handle 115 on-going cases, including representing pupils with additional support needs at education appeal committees, Sheriff Court, Court of Session and the Children's Panel.

User Feedback

Our training continues to be well received and popular. Overall statistics for training events we were involved in indicates that 87% considered the training to be good or excellent. That figure rises to 95% if considering only those events where ELU staff actually spoke.

“Legal information invaluable.”

DHT Pupil Support

“Very informative, worthwhile and relevant. Thoroughly enjoyed. How can we find out about further events?”

DHT Primary School

“Refreshing – good to hear from professionals who have appropriate knowledge of their subjects, particularly those with first-hand experience.”

Depute Head Teacher

“Very informative, useful day – real food for thought – will take back to school to share with staff.”

DHT Primary School

“Very worrying. Teachers (ordinary classroom) do not have training in legal / medical areas. I qualified 1975 – this is the first presentation of this type I have attended.”

Maths Teacher

“I found it helpful to look at the case studies and consider how the Disability [Discrimination] Act would relate.”

Probationary Primary Teacher

“I feel now I am aware of my son's rights to a more appropriate education by asking for the supports he needs and knowing the law.”

“mother of a very problematic little boy”

“Felt reassured about wealth of knowledge possessed by facilitator.”

Parent

“Good interaction between speaker and audience, plenty of time to ask questions and discuss issues relating to topic.”

Parent

www.govanlc.com 

There is no faster way to disseminate legal knowledge and know-how than the internet. Our primary website has been up and running for almost five years.

Around 250,000 people per year visit one of Govan Law Centre's websites. Visitors include individuals in Scotland, various advice agencies, welfare rights officers, solicitors, UK local authorities, government agencies and a wide range of international academic and public bodies.



Unlike many websites, www.govanlc.com is not simply a 'brochure' site. Brochure sites usually contain several pages which advertise the activities or services of a company or organisation. The idea behind the law centre's site is to provide a meaningful free resource for those with unmet legal needs. Accordingly, our site contains a wide range of practical and useful information for advisors and citizens alike, including:

- Digest of Scottish case law on defending evictions and homelessness.
- Money advice tools and practical advice/resources on a range of problems.
- Digest of Scottish case law on small claims procedure.
- Scots law advice pages on a wide range of social welfare topics such as bankruptcy, stress at work, school bullying, hire purchase and sale of goods disputes, environmental health, mortgage rights, unlawful eviction and homelessness.
- Fully updated guidance on how to utilise remedies under the Mortgage Rights (Scotland) Act 2001.
- Downloadable materials, including time order application under section 129 of the Consumer Credit Act 1974, with access to leading case law.
- News and archive section, providing up-to-date information on new statutory instruments, law reform and important legal developments.
- Access to partnership work in the field of debt and diligence law reform.
- Full publishing of many of the law centre's novel or significant decisions from the courts and tribunals.
- Full details of our legal educational events, with the facility to book on-line.

In response to unmet legal need identified from our casework this year we set up www.bankcharges.info. This is a 'self-help' site designed to enable citizens to obtain a refund of unfair bank charges. Which? magazine estimates that UK banks generate a staggering £3 billion from bank charges alone. We believe many of these charges are unfair and legally unenforceable as they are truly 'penalty' clauses. The following is an example of the user feedback we have had from this site:

- Hi, just a quick e-mail to thank you for producing this website. After amending the letter slightly to fit with my personal circumstances, I have received a full refund of charges (totalling £702.59) from the Bank of Scotland. James.

- Hi, I would just like to say thanks for your great website. We had a failed direct debit recently for £18 and Halifax applied a £69 charge (£39 bounce charge + £30 unauthorized overdraft charge) to the account. Talking to the branch manager was useless and they told us to contact complaints about it.

We stumbled across your site and used your letter as a basis for disputing the charges. We send it to the head office and one week later, the charges have disappeared from the statement and were refunded to the account!

Thanks again. Regards, Angela.

- I had a loan payment to come out on the 20 July, yet when I went to a cash machine on the 19th it had already gone out, but on my statement it says it went out on the 20th!

I am a low income father of two, and I have already paid in excess of £300 pounds in charges this year. I'm near suicidal.

Its impossible to get out of this vicious circle , the £30 pound charges for going over by a few quid, and the £28 pound monthly charge, the stopping of payment then charging me £30 pounds for doing it. I had £180 pounds worth of charges go out in one week! I earn £200 pounds a week, we had to starve that week. Gareth.

- Hi. I used your letter on Capitol One it has worked, keep up this great site, now I have sent one to Natwest and Blackhorse. Thank you. Bob.

Govan Law Centre's Education Law Unit also provides a wide range of information and advice online. Education law information and advice for school pupils, parents and teachers is available at: www.edlaw.org.uk. It's legal focus is on children who are disabled or have additional support needs. Support for teachers, parents and pupils on the 2004 Education Act is available at www.additionalsupportneeds.org.uk.

quality & practice ⊕

Reliable practice and management systems are essential for the efficient and effective running of any professional legal practice.

Over the last 10 years, Govan Law Centre has developed a *comprehensive client care and procedure manual*. Our systems regulate overarching policies such as equal opportunities, health and safety, as well as quality standards and codes of conduct.

We have formal procedures (incorporating the Law Society of Scotland's Better Practice Manual recommendations and *HomePoint* standards) which strictly governs the conduct of all casework and advice, the opening and closing of files, the recording of all contacts and communications, staff training and self-development, employee working protocols, professional responsibility, and financial procedures. We past a recent inspection by the Law Society of Scotland.

The centre's legal practice adheres to a system of regular file review and inspection, and all important dates – such as for court, tribunal, prescriptive periods or other significant time limits – are recorded in a double diary system, and a five year diary. The centre adheres to the Scottish Legal Aid Board's quality assurance scheme, and past the Board's audit

All law centre employees undergo formal assessments, which ensures that personal training needs are met and that all professional responsibilities are fulfilled to the highest standard.

As members of the Law Society of Scotland, all solicitors are required to undertake at least 20 hours of 'continuing professional development' each year, which must include at least 5 hours of management and professional development skills (such as client care, professional ethics, setting priorities and time management).

Govan Law Centre aims to undertake the national *Investors in People* quality standard as soon as practicable. We have previously achieved the SQMS standard (Scottish Quality Management Systems) and view the working towards formal quality and management standards as an fundamental objective.

finance

profits & loss account for year end 31 March 2005

	2005	2004	2003	2002	2001	2000
	£	£	£	£	£	£
Turnover	298,827	303,068	247,214	217,675	213,922	164,088
Expenditure	293,727	279,665	243,823	193,277	209,813	148,528
Surplus (deficit)	5,100	23,403	3,391	24,398	4,109	15,560

Note: This is a summary of independently audited accounts, lodged with Glasgow City Council and the Scottish Executive. The audit does not include client ledger and control accounts which are dealt with under the Solicitors (Scotland) Accounts Certificate rules.