

*Advice and legal services in the London Borough of Newham*

## **6 Advice and Legal Services in the London Borough of Newham**

The London Borough of Newham has a population of just over 200,000. According to the Department of the Environment's study of urban deprivation, Newham is the second most deprived of the 365 local authority districts in England.

At the 1981 Census, 27 per cent of the population lived in households where the head of the household was born in the New Commonwealth or Pakistan. The three main ethnic minority communities are Indian, Afro-Caribbean and a Pakistani.

A very high proportion of the population of Newham would qualify for legal aid (Community Information Project, 1988).

There are 34 firms of solicitors in the London Borough of Newham, and a total of 36 solicitors' offices. As already noted, there seems to be a much higher degree of specialisation than in either Oldham or Cornwall. Of the 23 offices responding to the questionnaire survey more than a third do no social welfare work, nor do they use the green form scheme. On the other hand, almost a quarter had submitted more than 500 green form bills during the previous year.

The Borough of Newham also has 18 different advice agencies which operate through a network of 42 offices that are open to the public. Of these 24 are full-time offices, 18 part-time. These advice agencies show an even wider range of specialisation than those in Oldham. Altogether there are:

- 2 generalist CABx, one of which is a mobile service. Together they offer advice at four sites
- 3 other generalist advice services, operating four offices
- 8 generalist advice services for specific groups in the community
  - one for elderly people

- two for disabled people
- five for black and ethnic minorities. Together these offer advice at 12 offices
- a welfare rights team, that does not undertake advice work with the public, but provides a back-up service for the Social Services Department
- two housing aid services – an independent service run by SHAC and local authority housing advisers in each of 10 local housing offices
- a local authority consumer advice service which has three offices.
- a law centre which runs also part-time evening advice sessions on its own premises and at three other sites in the Borough.

The work of these advice agencies was described in some detail in an earlier report (Community Information Project, 1988).

### **Social welfare work undertaken by solicitors and advice agencies**

The degree of specialisation of both advice services and solicitors' offices seems to be even greater in Newham than in Oldham.

A smaller proportion take on detailed casework in almost every subject areas. They are also less likely to provide basic information and advice. Consequently, compared with Cornwall and Oldham (Charts 1 and 2), a far high proportion of advice services and solicitors' offices in Newham do not cover particular social welfare areas at all.

When the work of solicitors is compared with that of advice workers it is, again, clear that while most advice agencies take on welfare benefit cases, only a minority of solicitors' offices do so. Advice services are also more likely to undertake housing casework. In all other areas – employment, immigration and nationality, consumer and money advice and debt – solicitors are more likely than advice services to be providing casework.

However, a much higher proportion of solicitors' firms in Newham do no social welfare work nor do they use the legal aid and green form schemes. If the work of the remaining firms is analysed separately (Chart 3c) it can be seen that more than eight out of ten offices provide casework in all areas but welfare benefits – a much higher proportion than the advice agencies.

Newham's solicitors had also represented many more clients at tribunals and court hearings than their counterparts in Oldham and Cornwall. More interesting still, is the fact that they had represented more clients than the advice agencies at all but Social Security Appeal Tribunals.

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**Chart 3 Social welfare work undertaken by solicitors and advice agencies in Newham**

These facts together suggest that there is a high degree of involvement in social welfare work by some solicitors in Newham. This is further supported by the patterns of referrals. Nearly a half of the advice agencies say they refer housing cases to solicitors and a quarter or more refer employment, consumer and debt cases, particularly where the case is likely to go to litigation.

The main areas of work that solicitors refer to advice agencies are welfare benefits, which a third of solicitors' offices refer to a CAB, and a quarter to the law centre, and immigration, which is also referred to the law centre by a quarter of the solicitors' offices.

Within advice services the areas where there are most referrals are immigration (a quarter of advice services refer to Newham Advice Service) consumer (four out of ten refer to Consumer Services) and debt (a quarter refer to the CABx).

It would seem, then, that both advice agencies and solicitors' offices specialise to a far greater extent in Newham than in either Oldham or Cornwall. This is particularly so for solicitors. A much smaller number cover social welfare legal matters, but those who do seem more likely to be specialist social welfare lawyers. To explore this in more detail, in-depth interviews were held with the three offices submitting more than 1000 green form bills during the previous year, the law centre, one of the CABx and one other generalist advice

service. Several general points emerged during these interviews. Firstly, all the solicitors' offices and advice services have many more staff than those interviewed in Oldham and Cornwall. Secondly, the law centre in Newham is making far heavier use of the green form scheme than the one in Oldham. During the previous year they had submitted 275 green form bills, as many as most solicitors' offices in Oldham and Cornwall. Finally, one of the three solicitors' offices interviewed had been set up by two former law centre lawyers, to provide a service complementary to that of the law centre. Over 90 per cent of their income is from the legal aid scheme.

### **Welfare benefits**

Advice services are more than twice as likely as solicitors to provide a casework service for welfare benefits. Surprisingly, though, this is not reflected in the respective levels of tribunal representation. Solicitors had represented appellants at:

- 27 Social Security Appeal Tribunals, compared with 49 by advice agencies
- 21 Medical Appeal Tribunals, compared with 11 by advice agencies
- 6 Social Security Commissioners hearings compared with 3 by advice agencies.

There are two reasons for this. Firstly, compared with Oldham and Cornwall, a higher proportion of solicitors' offices represent clients at tribunals and each of them represents a larger number of cases. On average, the solicitors in Newham who represent at Social Security Appeal Tribunals had done so six times during the previous year. This compares with once by solicitors in Oldham and twice by solicitors in Cornwall. At the same time, fewer advice agencies in Newham had represented clients at tribunals than their counterparts in Oldham or Cornwall and each of them had a lower rate of representation. For example, the advice services who represent at Social Security Appeal Tribunals averaged eight cases during the year in Newham, 13 in Cornwall, and 17 in Oldham. Advice agencies in Newham were more likely to help prepare cases for tribunal and refer them to the Free Representation Unit for actual representation.

Three advice agencies accounted for most of the social security tribunal work – the law centre, Beckton CAB and Newham Advice Service. The law centre and CAB were also the main agencies to whom both solicitors and other advice services refer more complex welfare benefits work.

Both the level and nature of welfare benefit work was explored in greater detail in the interviews with solicitors' offices and advice agencies. Two of the three solicitors' offices interviewed have substantial numbers of welfare benefit cases during the year. One has about 200 cases, most of which are from existing clients and are part of some other case. Most often these are debt cases. The firm currently has no-one who specialises in welfare benefits, so most of their work is restricted to advising clients on their entitlement and negotiating with the Department of Social Security over claims. Even so, they had represented ten clients at Social Security Appeal Tribunals. Normally they refer people who need representation either to the London-wide Welfare Rights Support Team, or to the Free Representation Unit. They use the green form scheme to pay for most welfare benefit cases.

The second firm estimated that they handle about 500 welfare benefit cases a year, almost all of which are part of their matrimonial caseload and involve checking benefit entitlement. They had represented two appellants at Medical Appeal Tribunals, but would normally refer to either the law centre or the Free Representation Unit. None of the welfare benefit work is claimed on separate green forms – all is claimed as part of the matrimonial work.

Finally, the third firm has about 30 cases a year. They only take on welfare benefit work for existing clients – usually as apart of matrimonial or housing case. Others would be referred to the law centre, CAB or Canning Town Information Centre. Most of their work involves negotiation with the Department of Social Security over entitlement. They had represented seven appellants at Social Security Appeal Tribunals. All their work is claimed on green form.

Canning Town Information Centre has over 3,000 welfare benefit enquiries a year. These include encouraging new claims, checking benefit entitlement, negotiation with the Department of Social Security and sorting out problems arising from incorrect levels of payment by the Department. They receive referrals from both the law centre and consumer services. They, in turn, refer cases for representation at tribunals to the Free Representation Unit.

Beckton CAB is a mobile service operating from a custom-built vehicle. It receives 1850 welfare benefits enquiries a year about half of which involve negotiation over entitlement with either the local authority or the Department of Social Security. They also specialise in disability benefits, undertaking home visits to prepare detailed assessments of clients' medical and care needs, which they submit in writing to the Department of Social Security. During the previous year they had represented 20 appellants at Social Security Appeal Tribunals and three at Medical Appeal Tribunals. Cases at Social Security

Commissioner level are referred to the Greater London CAB Service (GLCABS) Welfare Rights Support Team, and those involving alleged fraud are referred to solicitors. They consult staff at the law centre over cases, but would not refer to them.

The law centre, Newham Rights Centre, has a specialist welfare benefits unit, with benefits cases being their main area of green form work. During the year they receive about 1350 welfare benefit enquiries at their reception desk. The law centre staff handle about 340 welfare benefit cases a year, the majority of which are cases in their own right. The remainder form part of immigration, debt or industrial injury cases. They concentrate on areas of welfare benefit work that are not covered by many other agencies. Much of this involves preparing cases for tribunals – 22 for Social Security Appeal Tribunal, 23 for Medical Appeal Tribunal and four for Social Security Commissioners Hearings. The actual level of representation was somewhat lower – 13 at SSATs, five at MATs and two at SSC Hearings. Similarly staff prepared 80 cases for court hearings – 26 of these were defences for alleged fraud. Three cases were actually represented in the County Court. More straightforward enquiries are referred to other advice services like the CABx or Canning Town Information Centre, while law centre staff specialise in disability benefits and case preparation for tribunal and court hearings.

In general, then, only a third of Newham's solicitors' offices take on welfare benefit work, but those that do have far higher numbers of cases and represent more appellants at tribunals than do solicitors in Oldham or Cornwall. Most of the welfare benefit work is for existing clients and usually in conjunction with some other case. Depending on the firm's specialisation, this may be a matrimonial, debt or housing case. Normally the assistance given involves checking eligibility for benefits and negotiation with the Department of Social Security and the local authority. A number of firms also take part in the law centre legal advice sessions where they may receive enquiries relating to welfare benefits.

Advice services receive large numbers of welfare benefit enquiries, which range from straightforward questions about entitlement to more complex problems involving claims. Only Beckton CAB and Newham Advice Service had represented cases at appeals tribunals. Newham Rights Centre has a substantial welfare benefits caseload, a large proportion of which involves case preparation for tribunals and court hearings. They refer straightforward enquiries to other generalist advice services.

## **Housing**

Housing is the other main area of work for Newham's advice centres. There are two specialist housing aid services and, in total, seven out of ten advice agencies undertake housing casework. Overall about half of the solicitors' offices take on housing cases. Solicitors are, however, much more likely to represent clients at court hearings. Altogether four out of ten solicitors' offices had represented clients, compared with fewer than one in ten of the advice agencies. The numbers of cases represented was correspondingly higher – 356 by solicitors compared with 18 cases, all of which had been represented by the law centre. Again the number of cases represented per office was a good deal higher than in either Oldham or Cornwall.

Compared with both Cornwall and Oldham, many more advice services refer housing cases to solicitors. In total four out of ten advice agencies do so, including the two specialist housing aid services. In contrast, only one in ten refer housing cases to another advice service – to East London SHAC. This would imply that there are a number of solicitors' offices that specialise in housing law.

In fact, two of the three firms interviewed have specialist housing lawyers and undertake substantial amounts of housing casework. One has an estimated 125 cases a year; the other a current live caseload of 225 cases. All start on green form and the majority involve litigation and go on to full legal aid. The third firm has about 50 cases a year, but has just appointed a housing specialist, and expects that the volume of work will increase. Again the majority of these are paid for by green form bills. The two main areas of work for these firms are housing disrepair and repossessions. Two of the firms are on the duty scheme, organised by East London Legal Action Group, at county court repossession-hearing days. Others involved in the scheme include East London SHAC, Newham Rights Centre and Tower Hamlets Law Centre.

Canning Town Information Centre receive about 500 housing enquiries a year, 90 per cent of which are from council tenants. About a third relate to transfers or homelessness, two-thirds to repossessions. There are a small number of disrepair cases. Repossessions are normally referred to East London SHAC, disrepair cases to private practice solicitors.

The work of the CAB, in contrast, involves very few disrepair or repossession cases. Most of their 604 enquiries concern rehousing or transfers. They refer any disrepair cases to East London SHAC and landlord-tenant problems to local solicitors.

Three main areas make up the majority of the 264 cases at Newham Rights Centre – homelessness, disrepair and repossessions. Newham Rights Centre

currently has no housing solicitor, consequently disrepair cases are referred to two local solicitors' firms that specialise in this area of housing law. Staff from the law centre participate in the repossession-hearing duty scheme described above. 865 enquiries were made at the reception desk during the previous year. In addition to their enquiry and casework, Newham Rights Centre staff work with local tenants' associations on housing issues. For example, they worked with the tenants of a tower block that was suffering from structural instability and negotiated a scheme for decanting and repairs with the local authority.

It is clear that, in Newham, a small number of advice agencies and solicitors' offices have a high degree of expertise in the area of housing law. The local authority housing advice service concentrates on tenants in the private sector, while SHAC, Newham Rights Centre and solicitors' offices see rather more council tenants. Three areas of work predominate – repossessions, housing disrepair and, to a slightly lesser extent, homelessness. The balance of the work varies between agencies, and, in general, the work of solicitors' offices is far more litigious than that of the law centre or the housing aid services. There is, apparently, little competition, and the housing specialists from both the advice sector and private practice cooperate to provide a duty representation scheme on repossession-hearing day at the local court.

The level of demand for assistance with housing problems is illustrated by the fact that two of the three solicitors' offices interviewed are currently unable to take on any further housing cases and are referring to other local firms with housing specialists.

## **Employment**

Employment casework is undertaken by six out of ten of all solicitors' offices and four out of ten advice agencies. Also, while a third of solicitors had represented at Industrial Tribunals only one tenth of advice agencies had done so. Together solicitors had represented:

- 67 appellants at Industrial Tribunals compared with 18 represented by advice agencies
- 3 appellants at Employment Appeal Tribunals compared with one by advice agencies
- 29 employment court hearings compared with three by advice agencies.

This pattern is similar to that in Oldham and Cornwall except that the average number of cases represented by firms undertaking tribunal work is

higher. The other difference is in the level of referral – three out of ten advice agencies refer employment cases to solicitors, particularly where they are likely to involve litigation.

Employment cases are not a major part of the work of any of the three firms interviewed, partly because it is unremunerative – tribunal representation is not covered by legal aid and levels of compensation are generally low. One firm has about ten cases during the year, most relating to employee rights on dismissal or redundancy. They do not take on unfair dismissal cases. Nor do they represent at tribunals, referring cases to the Free Representation Unit when necessary.

The other two offices get slightly larger numbers of cases – about 40-50 a year, most of which concern unfair or wrongful dismissal. In one office, all the cases are paid for by the green form scheme, in the other about half are. Both of the offices now refer cases requiring tribunal representation. One prepared cases for 14 Industrial Tribunals, five Employment Appeal Tribunals and two court cases during the previous year, but then referred these to the Free Representation Unit who actually attended the hearing. The other firm had previously undertaken more employment work and had represented ten cases at Industrial Tribunal. Staff shortages mean that they also now refer all employment cases needing representation to either the law centre or the Free Representation Unit.

Canning Town Information Centre receives about 500 employment enquiries a year, most of which concern conditions of employment, such as holiday pay, statutory sick pay or maternity rights. Cases going to tribunal are referred to the Free Representation Unit. Beckton CAB receives 290 enquiries a year, about 80 per cent of which involve unfair dismissal or redundancy. They represented appellants at eight Industrial Tribunals and two court hearings. (Other CABx in the borough would refer tribunal hearings to the Free Representation Unit.) In general, cases are referred to private practice solicitors where there are threats of litigation or queries over contracts of employment.

A total of 530 employment enquiries are made a year at Newham Rights Centre's reception desk. Employment casework is also an important area of work for the law centre staff. During the year they handled 194 cases. It accounted for the second highest number of green form applications during the year. The two main areas of work are dismissals and wages claims, each of which accounted for a third of all employment cases. A third significant area involves cases of sex or race discrimination. Although fewer in number these cases can be very time consuming, often involving week-long tribunal

hearings. During the year they represented ten appellants at Industrial Tribunals and one employment court case.

Again it would appear that the work of solicitors is more litigious and more specialised – focusing on claims for unfair dismissal or redundancy. Advice agencies are more likely to receive enquiries about conditions of employment and to refer cases involving tribunal representation to the Free Representation Unit. The work undertaken by Newham Rights Centre covers a wider range than private practice solicitors, including wages claims and sex and race discrimination as well as cases involving unfair dismissal or redundancy.

### **Consumer**

Half the solicitors' offices in Newham take on consumer cases and the same number had represented cases at court hearings. In contrast only a quarter of the advice centres do consumer casework and one in ten provide representation. Together solicitors had represented 182 cases during the previous year, advice centres 50. Newham Borough Council provides a specialist Consumer Advice Service from three offices in the borough, and this accounts for the low level of consumer work by other advice agencies. Almost a half of them said they would refer enquirers to the Consumer Advice Service.

For two of the solicitors' offices interviewed, consumer work is a minor part of their overall caseload. One receives about 20 cases a year and the other is referring all cases elsewhere because of staff shortages. A combination of low Legal Aid rates and the complexity of consumer law makes it an uneconomic area of work. The third office receives referrals from other local solicitors as well as from the law centre and CABx. They have around 55 cases annually and in the previous year 15 cases were taken to the small claims court for arbitration.

None of the three advice services interviewed undertakes consumer casework – all refer cases to the Consumer Advice Service. The CAB also refers cases involving litigation to selected solicitors.

### **Money advice and debt**

Money advice and debt work is undertaken by half of the solicitors' offices with a third of offices representing debtors in court. Together they had represented at 193 court hearings. A third of advice agencies provide debt casework and of these one had represented at two court hearings, another had filed 15 defences. Four in ten advice services refer debt cases to the CABx, while a quarter refer cases involving litigation to private practice solicitors.

One of the three solicitors' offices interviewed takes on no cases at all referring them to either the law centre or one of two local solicitors' firms. The other two offices both have considerable numbers of debt cases – over 100 and 70 cases a year respectively. Both of these firms are part of the duty representation scheme at the local court and so have a considerable number of cases involving repossessions. However, many of their clients have multiple debt problems with a succession of court hearings. They both negotiate with creditors, represent clients at court and arrange administration orders where possible. They had each represented 40-50 cases during the previous year. All cases are paid for on green form, with applications for extensions when needed.

Canning Town Information Centre does not cover debt work at all. For Beckton CAB, however, it is a growing area of work. No separate statistics are available for the number of enquiries, but during the previous year they had represented two cases at court hearings. In general, though, they refer cases involving litigation to local solicitors where it seems likely that the client would qualify for legal aid.

Newham Rights Centre has no resources to enable it to do detailed casework or debt counselling. They participate on the duty representation scheme and all 15 defences they had filed during the previous year involved repossessions. These included counter-claims for failure to carry out repairs and cases where the defendant should have had the mortgage interest paid by the Department of Social Security because they were eligible for Income Support.

Other than housing repossessions, it would seem that most detailed debt casework is being done by a relatively small number of private practice solicitors' firms. This is paid for by green form bills, with applications for extensions being made where needed.

### **Immigration and nationality**

At the 1981 Census, over a quarter of the population of Newham lived in households where the head of the household was born in the New Commonwealth or Pakistan. It is not surprising, therefore, that a higher proportion of Newham's solicitors and advice centres are involved in immigration and nationality work.

Roughly the same proportion (four out of ten) of both solicitors' offices and advice agencies take on immigration and nationality cases. There is also a much higher level of tribunal and court representation by solicitors in Newham. During the previous year solicitors' offices had represented:

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- 39 appellants at Adjudicator Appeals Hearings, compared with 11 represented by advice agencies
- 41 appellants at Immigration Appeal Tribunals compared with 1 by advice agencies
- 29 immigration court hearings compared with 2 by advice agencies.

The questionnaire survey identified one firm where immigration and nationality cases account for between a quarter and a half of their total work.

A third of all solicitors' offices had represented cases at Adjudicator Appeals, a quarter at Tribunals or at court hearings. A fifth of advice services (the law centre, Council for Racial Equality and Newham Advice Service) had represented at Adjudicator Appeals and Tribunals, just the CRE had represented cases at court.

A quarter of advice services refer immigration cases to Newham Advice Service and two out of ten to the Joint Council for the Welfare of Immigrants (JCWI) while a quarter of solicitors' offices refer to Newham Rights Centre.

None of the three solicitors' offices interviewed specialises in immigration and nationality work. Even so, two of them had each represented at five Adjudicator Appeals. The office with the largest number of cases – 20 to 30 cases at any one time – is the local firm with the largest criminal caseload. All the immigration cases it handles are people charged with offences such as illegal entry or overstaying. All three firms refer cases to Newham Rights Centre. In addition two of them refer to Canning Town Information Centre, two to Newham Advice Service and one to the United Kingdom Immigrants Advisory Service (UKIAS).

Canning Town Information Centre has about 250 immigration enquiries a year, about half of which are referred from other advice agencies. It handles the more straightforward enquiries itself, referring cases needing representation at Adjudicator Appeals or Tribunals to either JCWI or UKIAS.

Beckton CAB is located in the south of the borough where there are far smaller ethnic minority communities. Consequently it receives very few enquiries. They would refer cases up to Adjudicator Appeal level to Newham Advice Service, and those requiring representation at an Immigration Appeal Tribunal to JCWI.

In contrast, immigration and nationality cases make up the second heaviest area of work for Newham Rights Centre. Over 1000 enquiries a year are made at the reception desk and during the previous year 330 cases were taken on by law centre staff. The main area of work is family settlement, but they also

take on some cases involving refugee and asylum work and assist people wanting to establish their right to remain in Britain. They represented four cases at Adjudicator Appeals. The green form scheme is used particularly for cases which require payment for DNA testing. Newham Rights Centre cross refers cases with Newham Advice Service, JCWI, UKIAS and specialist private practice firms in the West End of London.

It seems then that, as in Oldham, most immigration work is undertaken by a relatively small number of agencies. Unlike Oldham, however, this includes solicitors' offices as well as advice services.

### **Summary**

The pattern of provision of social welfare advice and assistance is a great deal more complicated in Newham than in Cornwall or even Oldham. Both solicitors' offices and advice agencies specialise to a far greater extent. Even those firms submitting the largest number of green form bills do not specialise in all areas of social welfare law. It was clear from the interviews that the areas in which firms specialise depends upon the particular staff they employ. To some extent this applies to the law centre also. For example, the law centre currently has no housing solicitor in post, while one of the solicitors' firms interviewed has just appointed a housing specialist from another local firm.

The other point that emerged from the interviews was the extreme pressure arising from the demand for social welfare advice and assistance. All three interviewed have given up certain areas of work and concentrated on others. Yet even in the areas on which they concentrate they regularly have to close their books in order to cope with demand. The advice centres also reported long queues of people waiting to consult an advice worker.

It was also clear that East London Legal Action Group acts as a local legal services committee, bringing together private practice solicitors and advice agencies to discuss the provision of services. This led, for example, to the establishment of the duty representation scheme for people facing repossession hearings at the local county court. There is also considerable collaboration over the provision of evening legal advice sessions. These are arranged by the law centre, staffed by private practice solicitors and, in one case, located within a generalist advice centre – Canning Town Information Centre.