



St Philips
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Bristol
Law
Centre

Moving beyond initial advice: How to develop casework and representation services

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What drives individuals to volunteer?

- human compassion
- access to justice
- maintaining pillars of civilisation

Why do the Courts and Tribunals welcome this?

- access to justice (as a human right)
- Equal Treatment Bench Book
- efficiency

Employment Tribunal Litigant in Person Service (ELIPS)

- operating London Central ET & Cardiff ET (and opening in Bristol)
- opened in Midlands West ET in Birmingham in October 2018
- first Friday of every month
- staffed by 2 volunteers, solicitors or barristers

- resources
- confirmation of advice / actions (concluding letter)
- data protection issues (storage of information - centrally; deletion - individual advisors; consent)
- self-evaluation: Equal Opps monitoring, feedback forms

Typically:

- claim form in narrative form (afraid to leave anything out)
- not familiar with the legal framework / language / concepts
- finds environment alien
- nervous, stressed (sometimes unwell)
- suspicious of other side's representatives

Example:

- litigant has drafted own claim form
- 10 pages detailing various incidents culminating in resignation
- incidents variously, and sometimes inconsistently, labelled as direct race and/or religion or belief discrimination and/or harassment and/or victimisation
- resignation followed employer's dismissal of grievance
- resignation not itself identified as act of discrimination
- only the complaint relating to the resignation is in time

Immediate needs:

- litigant has been directed to produce a Scott Schedule
- litigant is facing a case management PH
- litigant is facing an open PH to determine whether claim out of time and if so whether time should be extended

Immediate issues:

- advice: merits, evidence, strategy
- drafting: focusing on the better points, weeding out the bad ones
- representation

Future assistance:

- return visits
- change of advisor
- expectations

Legal Advocacy Support Project (LASP)

- Response to LASPO cuts to welfare benefits legal aid (approx. 98%)
- Partnership between Bristol Law Centre and 4 local university law departments: UWE, UoB, BPP, and ULaw.
- Recruits & trains law students to represent appellants in the First-tier Tribunal for PIP & ESA hearings
- High success rate

The First-tier Tribunal (Social Security and Child Support Appeals)

- In Bristol usually sits in Magistrates Court or Civil Justice Centre
- Tribunal panel in an entitlement appeal:
 - Judge
 - Medically Qualified Member (usually a doctor)
 - Disability Qualified Member (only in PIP hearings)
- Department for Work and Pensions (DWP) can send a representative but does not always
- Tribunal can (often does) overturn and remake decision on appellant's limited capability for work (ESA) or level of disability (PIP)

LASP Casework

- What appeals do we represent?
 - Personal Independence Payment (PIP)
 - Employment & Support Allowance (ESA)
- What do we submit to the Tribunal?
 - Legal submission
 - Appellant's statement
 - Further medical evidence
- Timescales
 - Over 34 weeks from appeal lodged to case listed (can be over a year since decision made)
 - Dependent on HMCTS – can request urgent listing but unlikely

LASP Casework (cont)

- All Casework supervised by experienced caseworkers
- Track cases on Case Management System (CMS) – we use AdvicePro
- Volunteers work of client files only from Law Centre, data protection means not sensible to manage remote working

Volunteer roles

- Advocacy Volunteer
- Legal Practice Volunteer
- Casework Supervisor Volunteer
- Communication Volunteer
- Upper Tribunal Volunteer

Managing the client relationship

- Getting the client to the hearing
- The Pre-Hearing Interview (PHI)
- The legal submission
- The statement
- Further evidence
- Liaising with HMCTS
 - When
 - Where
- Advocacy in person

Managing the volunteer relationship

- It will take longer at first
- Spreadsheets are your friends
- Make sure you bcc when emailing a group of volunteers (unless you have all of their permission to share personal emails with each other)
- Build in time to step back and review role development, easy to get stuck in trenches – volunteers are vulnerable to burnout too
- Don't accidentally employ them

Evidencing the value of a project

- Client feedback is invaluable
- So is volunteer feedback!
- Don't do anything for the sake of it (e.g. exit interviews). Know what question you're asking and what form an answer might come in.
- Stats are great. Stories bring them to life.
E.g. Success at FtT fairly high anyway, so what value do we add to appellants, esp. those with strong cases? Not just likelihood of success – bigger picture than that, and our feedback helps us evidence this