

LSA

Legal Services Agency

Doing the Right Thing,
the Right Way

ANNUAL REPORT

20

21

TABLE OF CONTENTS

03

The year in numbers

04

Chair's Introduction:
Annual Report 2021

07

CEO Report

10

Department: Housing and
General Court

13

Scottish Climate Emergency
Legal Network

16

Department: Mental Health

20

Department: Seminars

23

Department: Inverclyde

26

The Legal Strategy Group
of The Roof Coalition

28

Department: Criminal
Injuries

32

Department: Volunteering

34

LSA Traineeships

35

Testimonials

45

Conclusion

47

Staff and Board Members

810 new clients



25-35%

increase in volume of calls and one-off enquiries

250 hearings in Sheriff Court



80 Tribunal hearings

35 Judicial reviews



113 Webchat enquiries



13 web publications



63% of clients noted a disability

30% from BAME communities

90% with more than one support need



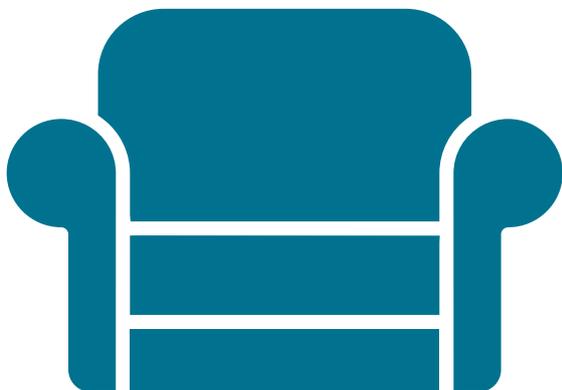


CHAIR'S INTRODUCTION

ANNUAL REPORT '21

Welcome to LSA's Annual Report for 2020/21. To say the previous year was unusual would be an understatement, as our whole activity has been affected by the Covid-19 pandemic. In this respect, the experience of LSA mirrors that of other organisations, but, it is testament to our staff and volunteers that we adapted so quickly and effectively to the impact of the pandemic in its many forms.

'it is testament to our staff and volunteers that we adapted so quickly and effectively to the impact of the pandemic in its many forms.'



The guiding principle we worked to was to maintain services as fully as possible whilst following Government guidance through working at home where possible. Most aspects of our service moved online which was challenging given the degree of vulnerability we find amongst our clients.

Our staff needed to respond to numerous complex legal issues whilst maintaining the level of individual, tailored support LSA's work is rightly known for, but without the normal face-to-face contact. Adaptability, flexibility, and resilience have characterised our staff's responses over the year, and on behalf of the Board, I would share our pride and gratitude for their evident dedication and professionalism.



Chair's Intro: Annual Report 2021

Leadership was a further essential component in ensuring adaptation plans were developed, implemented and staff were supported through a very difficult period; and in this respect, I would make special mention of our new CEO Aaliya Seyal who took up the post in December 2019 a few months before lockdown. Along with the SMT and the wider staff group, Aaliya has worked long and hard to ensure we carried out our core mission and delivered positive outcomes.

The annual report details the work carried out and in reviewing the year:

it is notable how much has been achieved in developing the work of LSA, which in the context of the pandemic is highly commendable.

Funding is, understandably, a fundamental aspect of facilitating our work, as Legal Aid fees, where they apply, are rarely if ever enough to fund the type of work we do. In this context, the previous year has seen both challenges and successes. Glasgow City Council's decision to fundamentally review its Integrated Grant Fund and replace it with the Community Fund has seen LSA along with other agencies in the advice and representation sector experience a significant reduction in funding in year one of a three-year introduction of the new funding regime.

'we are committed to delivering the level of service the people of Glasgow need to address widely acknowledged high levels of poverty and disadvantage.'

Providing advice and representation remains fundamental to our work though, and we are committed to delivering the level of service the people of Glasgow need to address widely acknowledged high levels of poverty and disadvantage.

To this end whilst having to manage the impact of reduced funding at one level, we have celebrated significant new funding packages which allow us to maintain services and develop new areas as well. As an example, LSA has been able to build on its role as the major defender of evictions in Glasgow to provide a similar service in West Dunbartonshire.



Chair's Intro: Annual Report 2021

Further grants detailed in the report have allowed us to expand into the field of Employment Law and funding from the Scottish Government to ameliorate the impact of the Covid pandemic has been essential to our continued work.

The year has also seen developments amongst staff and trustees. We welcomed new staff who have joined us and bid farewell to staff who have moved on to new roles. Very warm congratulations go to Alastair Houston and Rachel Walker who has been appointed as partners of our legal firm Brown & Co. Rachel has also taken on the role of Head of Mental Health (West) following the retirement of our long-standing deputy CEO Ronnie Franks. We wish Ronnie all the best for his retirement and thank him for his considerable contribution to the work of LSA over the years.

We also bid farewell to our Treasurer Yvonne Finlayson who stepped down from the Board in September 2020. At the same time, four new and very able Trustees joined the Board over the year who all bring a wealth of experience and skills to the work of the Board: a very warm welcome goes to Peter Beckett, Grant Carson, Kirstie Cusick, and Mhairi Reid. All have contributed significantly since joining the Board and along with our existing hard-working trustees provide an invaluable role in terms of governance, oversight, and strategic direction.

I am personally extremely proud of how well LSA has responded to the challenges thrown up by Covid-19 across the year and for the many successes and positive outcomes achieved especially in the face of an adverse set of circumstances. I would take this opportunity to once again sincerely thank all our staff, trustees, and volunteers for their major contribution over the year and of course our many Funders for their continued support and encouragement which is essential to our work. I commend the Annual Report and look forward to the continued success and development of LSA in the years ahead.

Convenor, LSA



CEO REPORT

“Every accomplishment starts with the decision to try.”

J.F. Kennedy

As we reflect back on the last 12 months and all that it has brought, it could have been easy to forget these words and simply go through the motions as the landscape changed around us.

LSA has never been an organisation to shy away from a challenge and this year was no exception, which brought with it, exciting strategic developments, key milestones, and pushing us to adapt and evolve. It would be impossible to ignore the effect COVID-19 has had over 2020/21 on both the third sector and, more importantly, the vulnerable communities that we strive to support.



Despite this, LSA excelled in continuing to provide accessible legal advice to communities across Scotland, celebrating 30 years of serving communities, highlighting systemic failures, and working with partners to achieve a fair and just society. So, whilst we still continue to challenge injustices, there is still much to celebrate regarding clear highlights of progress made despite the most unusual of years we have experienced.

'LSA excelled in continuing to provide accessible legal advice to communities across Scotland, celebrating 30 years of serving communities, highlighting systemic failures, and working with partners to achieve a fair and just society.'



In the first quarter, we proudly launched our strategic plan for 2020-23, outlining our objectives, activities, and focus as we enter our fourth decade.

Guided by core principles of:

EQUALITY • HUMAN RIGHTS • EMPOWERMENT **SUSTAINABILITY • STRATEGIC LITIGATION**

The strategic plan was designed to be proactive in anticipating issues that will impact communities in the coming years. Issues such as Brexit, climate and environmental changes, as well as a continued focus on a human rights-based approach in legal practices. Despite the challenges presented by the pandemic we have made good progress towards our five strategic priorities and look forward to continuing to address them in the coming year.

The pandemic had a fundamental impact on how we provided our services. Often reliant on face-to-face delivery models, the third sector as a whole faced crisis when, rather than following our instincts and going out to help, we had to stay in. The team at LSA showed great tenacity in their adaptations to digital services, moving to a range of telephone, video, and online service delivery methods. This proved even more beneficial to our aims, reaching wider demographics from across Scotland, ensuring individuals were not disadvantaged by geography. We also responded to the growing need for employment advice, reinstating our employment law services with support from the Community Justice Fund. The service now runs as part of our core legal areas and we look forward to developing both this service and our digital delivery tools as we move into a more blended working environment.

'This proved even more beneficial to our aims, reaching wider demographics from across Scotland, ensuring individuals were not disadvantaged by geography. We also responded to the growing need for employment advice, reinstating our employment law services with support from the Community Justice Fund.'



'LSA has a rich history of collaborative initiatives and this year was no exception.'

LSA was one of the founding members of the Scottish Climate Emergency Legal Network (SCELN), a network that brings together experts from across different fields, focusing on the ongoing climate crisis and the legal implications at play. We were delighted to join the Everyone Home Collective, a collaboration of over thirty organisations coming together to raise joint concerns about the impact of COVID-19 on homelessness, and we were pleased to contribute to a collective approach and suggested solutions to influence long-term, systemic change. Our partnership with the Scottish Refugee Council continued to develop. We were delighted to be invited to work in collaboration with other partners as part of the Glasgow Social Justice Lawyers Group, piloting a Humanitarian Project to provide a second-tier advice line for their frontline workers, facilitating early proactive intervention and considering strategic litigation for individuals at risk of eviction from asylum accommodation.

We continued to engage in regular meetings with our third sector partners and provide secretariat roles through the Glasgow Advice and Information Network (GAIN) and Scottish Association of Law Centres (SALC), moving to accessible digital media over the course of the pandemic. This was an important aspect to share best practice and strategically collaborate to proactively address challenges faced by communities and the advice sector. None of the achievements described here, or indeed through the annual report, were carried out in a vacuum. It is down to the tireless effort of our staff, our dedicated volunteers, partners, and the support of our funders. I would like to thank each of them for their contributions and support over this year in helping LSA continue to do the right thing, the right way, as we tackle injustice and influence change.

Our work in the year ahead has never been more essential as communities continue to face uncertain times. The team at LSA is committed to playing our crucial part to effectively use the law to defend rights, achieve legal redress, and improve the lives of people experiencing disadvantage.

Aaliya Seyal

Chief Executive



DEPARTMENT: HOUSING & GENERAL COURT

The Housing and General Court Department has continued to be accessible for new clients throughout the pandemic,

with telephone appointments being offered in lieu of our previous drop-in sessions. Video conferencing has also been used for meetings and consultations to ensure clients received the best service possible. Court and Tribunal hearings have been conducted, in the main, remotely with LSA being involved in the first appeal by video conference before the Sheriff Principal at Glasgow Sheriff Court.



The volume of homelessness significantly decreased as a result of the provision of emergency accommodation by Glasgow City Council. The department has still assisted clients with matters such as reviews of decisions by the local authority and standards in temporary accommodation. The same can be said for eviction actions based on the accrual of rent arrears due to lower activity of social housing providers and the additional protections for tenants introduced by the Scottish Government.

'Court and Tribunal hearings have been conducted, in the main, remotely with LSA being involved in the first appeal by video conference before the Sheriff Principal at Glasgow Sheriff Court.'



As a result, the department has attempted to assist vulnerable clients struggling to obtain representation in an eclectic mix of matters. These include a challenging removal from a university course by judicial review, an appeal against the revocation of a driving licence, and challenges to the delay in the provision of asylum support, the entitlement to which was as a result of the pandemic.

We have continued our strong record of using equalities law to challenge discrimination.

We have regularly contributed to the Housing & Equality Act Legal Strategy Action Group and have continued to pursue Court actions in response to, amongst other issues, discrimination in housing allocations and the use of the “No DSS” policy by private landlords and letting agents. The department has also pursued compensation for tenants in relation to the enforcement of housing standards, with Court action being conducted entirely remotely and successful settlement obtained.

Finally, the department introduced a new employment law project in winter 2020. This added a capacity to provide advice and representation in this area for the first time in a number of years. Cases taken on involve issues such as unfair dismissal, discrimination, and unpaid wages and several have already been successfully resolved for clients.

A number of our successful outcomes in the Sheriff Appeal Court and Court of Session were reported in external publications.

A victory in the Sheriff Appeal Court against a Glasgow housing association’s appeal against a tenancy assignation order was highlighted by [Scottish Legal News](#). The case considered the reasonableness of a refusal to allow a tenant to assign their tenancy.

Another notable outcome was a successful appeal in the Inner House of the Court of Session reported by the [Scottish Legal News](#). We raised defences that the tenancy being relied upon by the landlord was void on grounds that our client with severe learning difficulties felt intimidated to sign the tenancy.





MR B.



During the pandemic, we raised an action for compensation for a former tenant, Mr B. of an RSL who had lived with water penetration in his property. The landlord had failed to address this for a number of years therefore a floor-to-ceiling window had been substantially affected. We sought compensation on two grounds: firstly, that Mr B. had suffered inconvenience as a result of living in a property affected by dampness, and secondly, that he had paid a contractually agreed rent for a property that was to meet a certain standard, which he had not received.

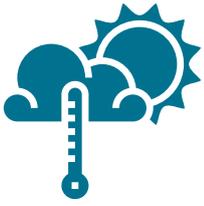
The entire Court process was conducted remotely, and settlement was agreed at the point a Proof was to be assigned. Mr B. received £7,500.00 in compensation

Mrs J.

Just prior to the pandemic, the LSA had pursued a case for compensation for a disabled applicant, Mrs J. to an RSL. They claimed that they had been discriminated against, contrary to s.19 of the Equality Act 2010. This regarded the way the RSL had operated their allocations policy, namely that their policy had prevented Mrs J. from being considered for certain properties on the basis of her physical disability and the impaired mobility resulting from that. Or, alternatively, that the RSL was negligent in the way they dealt with the application, overlooking Mrs J. for their chosen property.



The litigation continued remotely throughout 2020-21. The matter eventually settled with Mrs J. receiving compensation of £6,500.00.



SCOTTISH CLIMATE EMERGENCY LEGAL NETWORK



**UN CLIMATE
CHANGE
CONFERENCE
UK 2021**

IN PARTNERSHIP WITH ITALY

'there is a bleak upward trajectory for Global CO2 emissions despite new CO2 curbing plans by scores of countries. Global emissions are predicted to possibly rise 16% by 2030.'

That puts the world ruinously off-track for the 45% cut that the climate scientists say is needed to meet the Paris Deal's goal of holding global warming to 1.5 °C.

Worried by the predictions and stimulated by the work of Extinction Rebellion, Climate Earth, and other organisations, the Network, of which LSA is a founding member, came together in a meeting within weeks before lockdown.

The Network's purpose in meeting was to see if we could use the law in Scotland, in the same way as it has been used elsewhere, to hold the local and central government, as well as, possibly, commercial and other organisations to account.

For several decades there has been increasing awareness that climate is the major global issue. As we move towards COP26 in Glasgow, LSA Solicitors - in contact with a number of academics and voluntary organisations, became very aware that whilst concern has increased enormously there is a bleak upward trajectory for Global CO2 emissions despite new CO2 curbing plans by scores of countries. Global emissions are predicted to possibly rise 16% by 2030 on 2010 levels under a range of government plans put forward since the start of 2020.

'The Network's purpose in meeting was to see if we could use the law in Scotland, in the same way as it has been used elsewhere, to hold the local and central government, as well as, possibly, commercial and other organisations, to account.'



Scottish Climate Emergency Legal Network

For Scots lawyers, climate litigation or, for that matter, lobbying, is in many ways a relatively new thing. In spite of the comparatively progressive Scots legislation, there has been no directly relevant litigation on implementation.

Beginning to build a Network right at the beginning of lockdown was not exactly easy. Nonetheless, a group has come together which has exchanged information and ideas primarily focusing on two sets of actions.

1: Building towards a conference taking place in Glasgow at the end of October.

The conference benefited from a very generous grant from the Clark Foundation and, whilst having many prestigious speakers and being in a hybrid form, is extremely economical to hold. The conference will brief all the delegates not only on the strengths of existing law to regulate the climate emergency going forward but also what remedies may exist both in Scotland and elsewhere.

The conference hopes to address the issue of not just getting pious plans but also making sure they happen both at a “high level” and on a day-to-day basis.

2: Work of the Network over the last year has also been to take up, very successfully, the insight by one member, **Doctor Thomas Muinzer**, that the National Climate Change Act 2008 was governing six greenhouse gases as part of the U.K.’s climate mitigation process. Scotland was governing seven gases under the Scots Climate Change Act 2009, so was Wales.

The gas emitted from the U.K. legislation was Nitrogen trifluoride (NF₃). This is a significant omission as, although NF₃ is produced in relatively small quantities, it is an extremely potent greenhouse gas with a long average atmospheric lifetime of 550 years and its levels are increasing, particularly due to its use in electronics.



The Scottish Climate Emergency Legal Network (SCELN) commenced the seventh gas campaign in order to press the U.K. Government and Parliament to incorporate this highly polluting gas into national law via amendments to the CCA 2008.



A legal brief by SCELN lawyers, and a scientific brief by Professor Martin-Torres, were provided to the Secretary of State. Not only that, SCELN made a written complaint to the European Commission.

A follow-up was made after a lengthy period of silence however, Caroline Lucas MP requested a written Parliamentary Answer.

'On 09/06/2021 the minister responded that the government does intend to amend the definition of greenhouse gases in the Climate Change Act 2008 to include Nitrogen trifluoride.'

Building on this success, the Network intends to look at other areas where change might be of importance. It has noted the proposals by the Better Business Campaign to amend Section 172 of the Companies Act 2006 to strengthen commercial organisations' obligations to the environment and reduce harms. Whilst a small organisation, the Network plainly has potential.



On 09/06/2021 the minister responded that the government does intend to amend the definition of greenhouse gases in the Climate Change Act 2008 to include Nitrogen trifluoride and will seek to bring forward legislation within the next year: presumably before 08/06/2022.

SCELN now looks forward to the forthcoming amendments to Sections 24 (1) and 92 (1) of the Climate Change Act 2008.

The Network considers this to be a major achievement. Whilst concern about the gas had been expressed by a number of lobbying organisations, none had followed through and it would appear the Network's success is a major example of legally informed lobbying.

The Network will, of course, keep a close eye on the government's plans and will hold it to account to ensure that it actually does what it has indicated it will do.



DEPARTMENT: MENTAL HEALTH

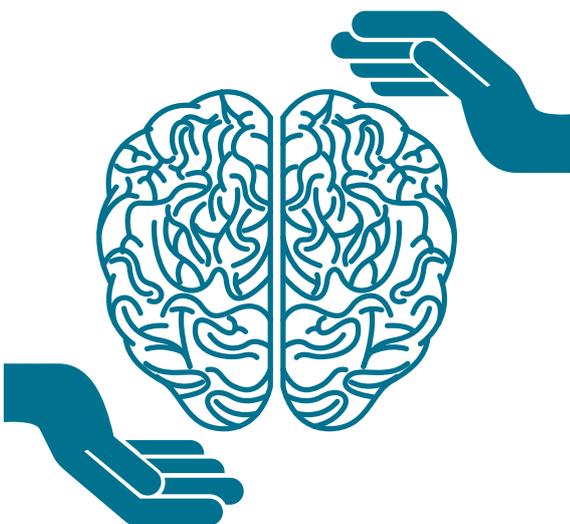
Our approach is client-centred, responsive, and supportive.

We advise and assist individuals impacted by mental health and disability to navigate legal proceedings, an area that we have specialist experience and expertise in. We also support their families and carers throughout the process. We primarily represent individuals at Children's Hearings, Tribunals, and in Courts throughout the Central Belt of Scotland.



'We provide a flexible service that continually adapts to the changing needs of our clients.'

We provide a flexible service that continually adapts to the changing needs of our clients. For example, prior to Covid our team was predominantly office-based, however, they travelled to meet with clients regularly, whether that was in the hospital or within the community. Likewise, for the past year meetings have predominantly taken place remotely making use of telephone and video technology to assist. We have found this to be of benefit to many of our clients during difficult times, however, this has not been suitable for all. Initially, this caused some difficulties for clients who were either uncomfortable with or unable to use technology to meet with us. With changing Covid restrictions we have been able to meet face-to-face with clients who require personal contact either in a hospital, a care home setting or within the community.





'With changing Covid restrictions we have been able to meet face-to-face with clients who require personal contact either in a hospital, a care home setting or within the community.'

In the last year, our team has written articles in relation to Coronavirus and the changes to both Adults with Incapacity and Mental Health legislation. In addition, our volunteers in conjunction with our Department Head for Glasgow prepared an advice article on Powers of Attorney. Rachel Walker's article on Vulnerable Adults and Coronavirus in Scotland was published within the Scottish Legal News in May 2020, found [here](#).

As well as articles, our Carrie Anne Clifford provided training to a number of local authority Mental Health Officers and Social Workers in relation to Coronavirus, Mental Health, and related issues. The team also prepared a submission to the Independent Review of Mental Health Law in Scotland and was quoted within the initial findings.

Finally, Carrie Anne Clifford was appointed to the Law Society subcommittee on Mental Health and Disability which allows the Team to contribute to wider law and policy matters in their specialist area.





MR P.



LSA acted for close family members of Mr P. an incapable man who was in a residential care setting. A previous Guardianship Order in terms of the Adults with Incapacity (Scotland) Act had been allowed to lapse. The concern was that Mr P.'s care and support were not being actively managed. There was longstanding familial conflict over the responsibility for and management of Mr P.'s personal care and financial needs. The local authority was of the mistaken view that a Guardianship was not necessary as there were no immediate changes required to the care plan. **We successfully argued to the Sheriff that it was appropriate and necessary for the benefit of Mr P to have our clients appointed as Guardians** allowing them a direct say in his care and welfare for the first time in a number of years.

MRS R.

MRS R. has a learning disability and obtained LSA's assistance. She was supported at home by her father, however, he was admitted to the hospital following a stroke. As such Mrs R. was vulnerable to potential financial exploitation by other family members. **A Power of Attorney, with specific powers using simplified language, was required to enable appropriate safeguards.** LSA discussed the mechanism of a Power of Attorney, obtained Mrs R.'s instructions and drafted the specific powers with appropriate wording. LSA also consulted other professionals to obtain a medical opinion or medical opinions, as well as emotional assistance, thereby ensuring that Mrs R. had complete understanding and was fully supported throughout the process. It was necessary for prompt action despite unforeseen COVID restrictions. **Technology was utilised and a practical and hands-on approach implemented to ensure that the Power of Attorney was completed, registered, and effective to facilitate a swift and successful conclusion.**





LSA advised and represented Mr A, a patient subject to the Mental Health (Care and Treatment) (Scotland) Act. Mr A. had complex mental health difficulties and was made subject to detention in the State Hospital.

Mr A's care and treatment had progressed within the hospital. The treating psychiatrist confirmed that he no longer required the excessively restrictive environment of the State Hospital. His care needs would be appropriately met within an alternative lower secure setting. A suitable facility was identified, however, the transfer to such a facility was extensively delayed due to a lack of available beds.

Mr A's rights were unnecessarily restricted during such time, namely his right to family life. His mother, who was elderly and frail, was no longer able to travel to visit him, leaving him isolated.



LSA responded promptly, obtained relevant evidence from professionals prior to applying to the Mental Health Tribunal and secured an order. The order placed a legal duty on the relevant authority to transfer Mr A. to an appropriate care setting that would meet his existing care needs. Consequently, Mr A. was transferred to a medium secure setting without further delay, and he successfully continued with his care and treatment.

As a direct consequence, Mr A. was able to receive visits from his mother prior to a further deterioration of her mobility.

Mr A's care and treatment have again progressed within the medium secure setting. LSA's continued advice and representation has assisted Mr A. to secure, without delay, a further order from the Mental Health Tribunal determining that he is detained in conditionals of excessive security. A low secure setting has been identified for Mr A. with a transfer imminent.

It is anticipated that Mr A. will again be able to meet with his mother due to the accessible location following transfer to the low secure setting.



DEPARTMENT: SEMINAR DEPT

LSA is one of Scotland's top leading providers of seminars, conferences, workshops, and webinars.

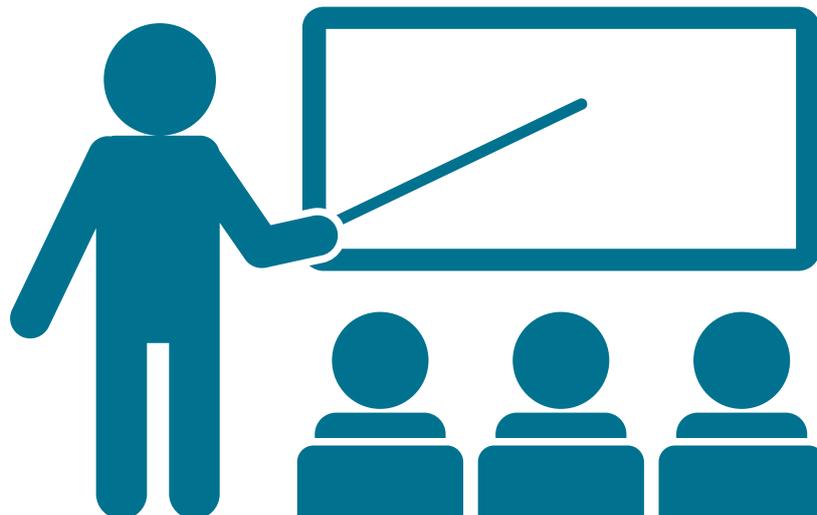


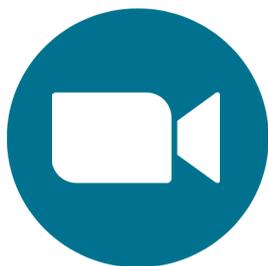
The Seminar Team provide legal education in all areas of law in practice but also cover topics like presentations skills, working with anxious clients, and managing vicarious trauma among others.

As a registered CPD provider, we take a leading role

in providing legal education through research, training, and publications on topical issues and underrepresented areas of information.

We share learning and findings, building cross-sectoral knowledge and capacity.





Since March 2020, the Seminar Department changed the delivery of face-to-face seminars and conferences to live Zoom webinars due to Covid. We were one of the first CPD providers to be up and running within three weeks.

Our first webinar was highly successful, it was on 'A Guide to Lockdown Law in Scotland'. This was a free event hosted by one of our solicitors in our housing team which attracted 100 delegates.

In the 2020/21 financial year, we ran **100** live webinars with over 2000 delegates attending these.

We attract delegates from a wide range of sectors, these include: solicitors, trainee solicitors, advocates, local government, advice/voluntary organisations, education, housing, police, and students to name a few.

With restrictions easing and diaries filling up, our recorded webinars have proven popular, which means they are more widely accessible and people don't miss out on valuable learning!

We have attracted delegates from the Western Isles, Aberdeenshire, Angus, The Highland, the Scottish Borders and London.

We are proud to note that our mailing list exceeds 15,000 contacts.





Key Speakers

A highlight to running online events is that it has enabled us to attract some of the best speakers in the legal profession. For example, Lady Hale, Former President of the Supreme Court of the United Kingdom spoke at our Human Rights and Social Security event and Colin Yeo, Barrister and Immigration Law specialist from Bristol, joined the 'Assessment of Credibility in Asylum Applications' webinar we ran.



The department is constantly reviewing, marketing, and evaluating the webinars. Feedback is always useful as this enables us to analyse what delegates want helping us to continually improve.

On a scale of 1-5 how would you rate the webinar?



I particularly appreciated the clear manner in which the presenters organised the sizable amount of information they delivered. Specifically, Zoe Given-Wilson's analysis of the sources of credibility issues was extremely helpful. I also appreciated Colin Yeo's frankness in raising issues that aren't often discussed, balancing the individual's case outcome with the impact on the overall process, is an example.



DEPARTMENT: INVERCLYDE

Services have been provided at our Inverclyde Housing Rights Project in a similar manner to the main department. Historically, work in Inverclyde has focused on broadly the same areas as Glasgow, without the pressures of street homelessness. The past year has seen an increased focus on assisting private sector tenants with advice and representation provided in connection with, eviction, wrongful termination, unlawful eviction, and repairing standards; as well as obtaining a significant decision as to the jurisdiction of the First Tier Tribunal.

We have continued to contribute to the Financial Inclusion Partnership during the pandemic.

The project also saw an extension granted to the funding provided through the Scottish Legal Aid Board, allowing a further trainee solicitor to train within the project in housing and social welfare law.

The team (Inverclyde) had notable cases reported in external publications, the first of which related to a successful tenancy deposit case undertaken by our Greenock Team reported by the [Scottish Housing News](#). This resulted in a landlord being fined £1,500 for failing to protect the tenant's deposit in an approved deposit protection scheme.



MRS L.



Mrs L. a vulnerable adult with learning difficulties advised us she felt pressured into signing a tenancy agreement by her landlord with a minimum period of one year. The landlord subsequently raised proceedings in the First Tier Tribunal against her for unpaid rent. We informed the Tribunal of Mrs L.'s vulnerabilities and submitted that she was taken advantage of by her landlord, suffered loss as a result and therefore should have her tenancy contract set aside. The Tribunal refused to hear this argument and found in favour of the landlord. We appealed their decision to the Upper Tribunal but they too refused to listen to Mrs L.'s argument. We, therefore, instructed Counsel to appeal to the Court of Session. **The Court of Session ruled that the Upper Tribunal had erred in law and have now remitted the case back to the First Tier Tribunal to be heard again.**

MR M.

Mr M. was residing in temporary homeless accommodation when he was informed by the Homeless Team that he would have to leave because they found him to be intentionally homeless and without a viable local connection to the Inverclyde area. We challenged the first part of this decision on the basis that a) his previous tenancy was in an uninhabitable state of disrepair, b) the landlord was threatening him with violence, and c) the power supply to the property had been intentionally disabled. In relation to the second part of the decision, we also submitted that Mr M. *did* have a local connection with Inverclyde as he had qualifying family members residing there. **The Homeless Team subsequently reviewed their Decision and accepted that it was incorrect. They are currently providing temporary accommodation for Mr M. pending his move to permanent housing, for which they have assisted him in making an application.**





Mrs S. had eviction proceedings raised against her by her landlord for rent arrears. She had fallen into arrears due to periods of unemployment and due to becoming subject to the 'bedroom tax', following a relationship breakdown resulting in her children and their father vacating the property. Suffering from poor mental health, Mrs S. did not attend her court hearing and a decree of eviction was granted against her.

We lodged an urgent Minute for Recall and **got the decree recalled and eviction cancelled.** We then contacted and worked with Money Advice Services who helped Mrs S. to organise her finances and file a successful bankruptcy application. The landlord agreed to postpone the eviction proceedings until the bankruptcy was granted. **The arrears have now been written off, Mrs S.'s benefit issues resolved, and the correct benefits are now being received.**

The case has been continued and Mrs S. remains in her property maintaining her rental commitments. It is anticipated the case will be dismissed at the next calling provided rental payments are maintained.



THE LEGAL STRATEGY GROUP OF THE ROOF COALITION

Since Summer 2018 LSA has been working in collaboration with other solicitors, advocates, and third sector organisations to help people in asylum accommodation access their rights.

This group of organisations grew out of opposition to lock change evictions but has more recently rebranded as the Roof Coalition. Within the Roof Coalition is the Legal Strategy Group, which is currently funded by the Baring Foundation. This group allows space for lawyers to come together to discuss updates from the third sector and identify areas where legal advice or assistance is needed, and any scope for strategic litigation.

The role of solicitors in the Coalition has been vital in terms of challenging lock changes, challenging delays in asylum support and challenging inappropriate accommodation. We have worked with our third sector partners to identify gaps in the law and service provision, to help provide dignified housing to our clients.



'The role of solicitors in the Coalition has been vital in terms of challenging lock changes, challenging delays in asylum support and challenging inappropriate accommodation.'



During The Pandemic

Our role during the Covid-19 pandemic has largely been assisting in obtaining asylum support and accommodation for asylum seekers. This has helped to prevent rooflessness which might have exacerbated the pandemic in Glasgow and meant that asylum seekers could access some accommodation.

'A major achievement of the Legal Strategy Group has been to secure legal aid funding in Scotland for lawyers to assist people facing eviction at the Asylum Support Tribunal.'

'Changes to tribunal procedures during the pandemic have meant that all hearings will be carried out remotely by telephone and video link for the foreseeable future.'

As we move towards the Covid-19 recovery phase, the Home Office has signalled an intention to begin evicting asylum seekers who had been accommodated on public health grounds – and has started to do so in England and Wales. This means that many people may have their support, and therefore their right to accommodation, discontinued. Having legal aid available means that people can instruct a solicitor to help to challenge the decision to discontinue support.

The SLAB decision took effect in August 2021 allowing Scottish solicitors to represent their clients at the Tribunal. Changes to tribunal procedures during the pandemic have meant that all hearings will be carried out remotely by telephone and video link for the foreseeable future. This is a great achievement for us, as it increases access to justice for asylum seekers and will help to prevent destitution in Glasgow.

'This is a great achievement for us, as it increases access to justice for asylum seekers and will help to prevent destitution in Glasgow.'



DEPARTMENT: CRIMINAL INJURIES

The first query people make is; how have things been for the last 18 months? So much has changed that it's naturally assumed that practice has been transformed and, of course, in some respects it has. However, the fundamentals of our work on Criminal Injuries Compensation remain the same.

We continue to have around four new cases a month. We continue to progress with Criminal Injuries Compensation applications. Furthermore, we continue to provide advice, assistance, and representation at First Tier Tribunal hearings, and where appropriate taking matters up by way of Judicial Review.

The application process was delayed during the initial lockdown; however, it is fair to say that

the Criminal Injuries Compensation Authority has continued to work very efficiently during the last year in spite of major disruptions. Some complex cases were progressed speedily with a number of settlements well over £30,000

(one or two approaching £100,000).

As a consequence, we have continued to develop the themes that have been around for many years. We primarily help people who have sustained significant disablement generally as a consequence of brain injury or mental health issues, but also physical disability. We continue to take instructions on historical cases, one or two even going back to around the beginnings of the Criminal Injuries Compensation Scheme. We continue to undertake complex and adversarial First Tier Tribunal applications relating to issues such as:

- Whether an award should be reopened because the injury has worsened since the settlement.
- Whether a crime of violence took place even if the Police said it did not.
- Whether a victim of abuse as a child will be able to work.
- Whether a victim of domestic abuse cooperated sufficiently with the Police, who told the victim there was no point in proceeding as there was no corroboration.



One of LSA's objectives is 'tackling unmet legal need',

to provide a service to people who might have difficulty obtaining it elsewhere. This includes clients who lack capacity, and we continue to represent clients for whom an intervener has been appointed for the specific purpose of pursuing applications as well as clients whose affairs are dealt with by a Financial Guardian.

We also pursue applications on behalf of the children of murder victims and have assisted relatives applying to the Courts for Parental Responsibility Orders, in order to manage Criminal Injuries Compensation applications.

Another theme of our work is to provide aftercare. Thus, we set up Discretionary Personal Injury Trusts for people who either have mental disabilities who would be unable to look after substantial funds themselves, or who are dependent on their income from means-tested benefits for whom Trusts have marked advantages.

So, despite the current landscape, work that we started years ago has continued, possibly with greater intensity, and with obvious communication challenges with clients but nonetheless, broadly speaking, similar to our ongoing areas of work.

Some new themes are however worth noting. LSA has always had strong links with Edinburgh Agents and the Bar in connection with Judicial Review. This of course is not restricted to Criminal Injuries Compensation matters. We have always taken up legal issues regarding Judicial Review and can claim to be amongst the few in Scotland to do so in the area of Criminal Injuries Compensation.



'We have always taken up legal issues regarding Judicial Review and can claim to be amongst the few in Scotland to do so in the area of Criminal Injuries Compensation.'

MRS M.

The case of Mrs M. is notable the Supreme Court produced a sealed order to the effect that the 'Same Roof Rule', preventing Criminal Injuries Compensation awards to persons injured by members of the same family living under the same roof before 1979, was unlawful.

A First Tier Tribunal refused to permit our client, Mrs H, an application to proceed where she had been seriously emotionally injured by her son and the Tribunal considered that there was a chance he could benefit. The Tribunal rejected our proposal that the funds be placed in a Trust. The Court of Session concluded that the Tribunal had set the bar too high and the matter was sent back to a new Tribunal to look at the matter all over again.

MRS H.

MRT.

A current case, at an early stage in the Court of Session, is one where the First Tier Tribunal rejected our client's, Mr T's, claim because of the lack of cooperation with the Police whereby he declined to give a formal statement as he had spoken to them for several hours. Ultimately, despite the time spent, he was told that there was little point in proceeding as there were no witnesses.

Two recent cases, where our clients allege discrimination as a result of being Scots victims of crimes of violence meant that our clients suffered very severe injuries but had unfortunately committed only minor offences. In terms of the then extant Rehabilitation of Offenders Scheme in Scotland, their convictions remain unspent for substantially greater periods than they would have, had they committed those offences in England or Wales.

MRS H. & MR K.



CHALLENGES

As a consequence of the way the 2012 Scheme operates, non-spent custodial sentences or Community Payback Orders result in no eligibility for an award and, accordingly, the length of time for which a conviction remains unspent is of fundamental importance. Two Judicial Review cases assert that the way the UK Criminal Injuries Compensation Scheme operates discriminates against Scottish applicants because of the greater harshness of the then Scots Rehabilitation of Offenders regime.

Whilst the Rehabilitation of Offenders regime was reformed in November 2000, the possibility that unintended discrimination takes place as a consequence of UK Laws being applied in Scotland is of considerable constitutional importance. These cases will proceed hopefully to a resolution in Autumn 2021. We vigorously support the Scheme and responded to the Government's consultation on its future.

We vigorously support the Scheme and responded to the Government's consultation on its future.

In some respects, claiming compensation after crimes of violence have taken place can be described as being 'palliative'. Compensation does not stop the victimisation in the first place. However, valuing the experiences of, at times, very vulnerable people who have suffered a wide range of adverse experiences is important as a way of providing recognition. Recognition can be an important way of ultimately achieving change: compensation can also transform lives.

Recognition can be an important way of ultimately achieving change: compensation can also transform lives.



DEPARTMENT: VOLUNTEERING

For a long time, LSA has recruited volunteers to assist with our vital work. Several of our staff over the years have initially become involved in LSA through the volunteering opportunities that we offer. One of these programmes is through the University of Glasgow, with law students giving up some time each week to provide their assistance to LSA. This programme serves a dual purpose: law student volunteers make a valuable contribution to our work and organisation, so the programme assists the law centre, but in addition provides legal experience to those students interested in pursuing a career in social justice law.



Generally, our volunteers can get a wide range of experience, from:

- Attending our heritable helpdesk at Glasgow Sheriff Court
- Drafting legal aid applications
- Assisting in managing case files
- Assisting the seminar department
- Assisting with business development and marketing

The coronavirus pandemic has inevitably caused disruption, but we were keen to maintain our volunteer programme both to assist our organisation in a difficult time and to ensure opportunities for work experience were still open to enthusiastic law students. As with many areas of life during the pandemic, we had to adapt and change our practices, but the volunteers that we recruited truly stepped up and made a great contribution to our work.



Department: Volunteering



I really enjoyed my time as a volunteer with LSA. The work was interesting, varied and helped expand my legal knowledge on equality and social justice issues, many of which have been exacerbated during the Covid-19 pandemic. Although I worked remotely, I was provided with clear instructions for tasks and always felt like I could ask questions. It was a great insight into the invaluable work LSA do, and it was inspiring to see the collaborative nature of their work with other social justice lawyers in Scotland.

Lily Braunholtz – 2020/21 volunteer.

We hope to maintain our volunteer programme in the years to come and continue to give the new generation of social justice lawyers experience of working in our organisation. We are grateful for all the hard work of our volunteers in helping LSA to address disadvantage.



I have been volunteering with LSA for the last year and have really enjoyed the whole experience. As a law student, being able to apply the skills from my degree onto real life issues is really rewarding and has given an interesting insight into the hard work that goes on behind the scenes. I am so grateful for the time given to me by LSA staff that has enabled me to get involved in some really important and exciting projects!

Anna Macfayden – 2020/21 volunteer.



LSA

TRAINEESHIPS

LSA is dedicated to ensuring we facilitate career development and education in the sector. We provide opportunities for the social justice lawyers of the future to train with us and gain the experience they need to tackle the unmet needs of the communities and the people we serve.

W

I commenced my traineeship in February 2020. Just a few weeks later, it became clear that the experience would be atypical, located in the context of a global pandemic and national lockdown. Our team has been working remotely since March, and there have, of course, been challenges. For example, learning practical advocacy skills without much exposure to other lawyers in court has proved to be an interesting experience! But the experience has largely been a positive one. We have adapted well to working remotely, whilst keeping the team in close contact. Someone is always available to answer my questions and offer guidance, and the technology works well to keep us connected. There have also been new opportunities, such as hosting a virtual social for law centre lawyers which has enabled exchange of experiences across the country. No longer commuting is a bonus, too!

Shaun McPhee



For the past three decades, LSA has provided countless people with advice and representation which they otherwise wouldn't have been able to afford.

As someone who worked at a law centre earlier in my career, I know how difficult that kind of work can be

As an MSP and First Minister, I've also seen the incredible difference that it makes.

That's why the Scottish Government places so much value on organisations like the LSA and it's why we will continue to collaborate with you and support the work that you do.

That work is of course more important than ever as we deal with the social and economical impact of Covid-19.

I want to take the opportunity to thank everyone who has been involved with the LSA over the past 30 years ... you have helped to improve the lives of the people across the communities that you serve.

You've helped to make Scotland a better fairer and more equal society – that's a contribution of which you should all be immensely proud.

Nicola Sturgeon – First Minister

LSA

**What our clients
say about us and
how they found
working with us.**

LSA is



They were just amazing from the start to the end.

They went through every step with me and explained it in my language and not in a lawyers language.

LSA has definitely helped change my life and helped me move from the past into the future without a doubt.

Working with the LSA was a very positive experience they were just amazing from the start to the end They went through every step with me and explained it in my language and not in a lawyers language so it helped me understand more of the details.

I will probably never have an idea of how much work went into from LSA's side. The amount of paperwork the amount of things LSA must have had to do over the 7 year period was pretty phenomenal.

[Watch the full story here](#)

Human Rights: Monica



LSA for me represented what I would call the three C's:

***Considerate
Compassionate
Caring***

One of the biggest advantages that LSA by far stood out to me and my family was the fact that they had invested in the family.

The investment LSA made toward me and my interests in respect of dealing with this matter and more so the comfort presented to my father.

[*Watch the full story here*](#)

Legal Aid: Mark



LSA in my life has probably been a lifesaver for me.

I'd never really had a civil case most of my cases were criminal cases to do with my addiction problem. It was new ground for me I just thought I'd be judged especially when I tell them my story. But there was a lot of empathy there I felt I wasn't judged.

I could just see what the lawyers were doing without even having legal aid.

That kind of blew me away because in my kind of life you don't have people doing things for you for nothing. That kept driving me forward.

LSA was supportive, they were always there at the end of the phone. Never judgmental, I've been judged and discriminated against all my life so that was refreshing.

If it wasn't for LSA I don't know where I'd be.

[Watch the full story here](#)

Eviction: Stephen



***Compassionate
Thorough
Adaptable***

LSA was excellent from the outset [...] During that whole process there was great communication, it was email it was phone.

I had preconceptions that it was all going to be very formal ... there would be legal jargon that you don't understand.

That wasn't the case at all - I thought it was a very rounded view - it was very respectful it was very personal but it was very thorough.

[*Watch the full story here*](#)

Guardianship: Tayo



CLIENT FEEDBACK

Were you satisfied with the service you received?



Did you feel listened to?

Were you kept informed of the progress of your case by your solicitor?



Do you consider the information and advice to have been sufficient for you needs?



Thank you for much for all you have done. The award for the serious injuries that I suffered as a result of a crime of violence has made a really big difference to me. I have been able to buy a car and, for the first time in my life, can go out and about when I want to: I don't need to be escorted. I have given some of the award to my son who has been able to put down a deposit to buy a house. This will make a really big difference to him and his family: and I will get to enjoy it when I drive over to visit them! Thank you and everybody else for all that you have done.



I very much appreciate all the help with my claim to PIP. I know you must be very busy with other clients. Thank you for all you do.



The most immense depth of gratitude forwarded from my family and myself for your endeavours in the securing of Guardianship. It certainly has been a strange time but I never doubted and had the utmost confidence in yourselves to see the process with a most satisfactory result.



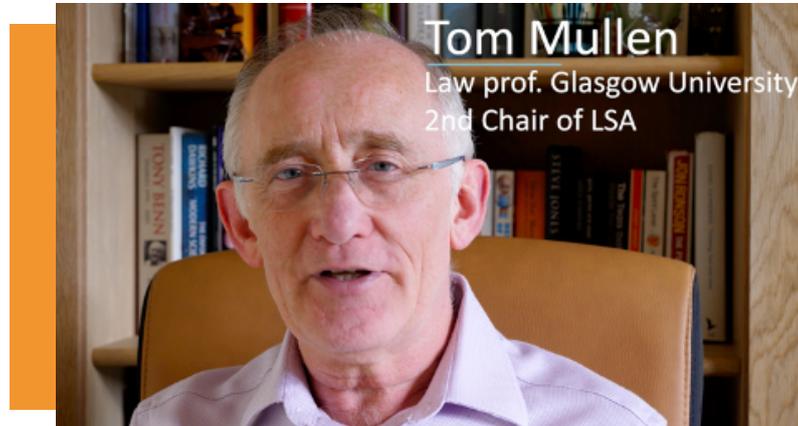
I just wanted to send you a quick note to say how very grateful I am to you for all your help and expertise throughout my eviction and arrears case. The past year (and most of the year before that) have been awful and extremely challenging for me. At times I struggled to see the way forward. However, being able to retain your support in this case and the exceptional representation I got was honestly a light in the darkness. The work you do is amazing, essential and I'm sure makes a huge difference in a lot of people's lives at their lowest point - as it did for me. I really wish you all the best for your future.



Thank you so much for all your invaluable help and guidance during what has been a difficult time with my now former employer. That case is now concluded with the settlement arrived at via ACAS. I could have however not have got there without you and your measured and kind advice and the time you took to scrutinise my documents and to offer counsel. I would like to extend my thanks to all the staff in LSA who have taken my phone calls, but most of all, my gratitude to you personally is unlimited.



Looking back over the last **three decades**



It exceeded even my expectations and I am absolutely delighted to see that LSA is still flourishing 30 years later.

Tom Mullen



*Here we are, 30 years on.
A: it's fantastic that LSA is still going.
B: it's fantastic that LSA is going with a much wider remit and satisfying a wider need.*

Colin Porteous



Looking back over the last **three decades**

W



I can be very proud that on our birthday many people have used LSA as a stimulus for going on to doing other things, standing on our shoulders that's great.

Paul Brown

**Collaboration is a huge part of how we work
see more here:**

[Our Partnerships here](#)

**See where we come from and what we're founded
on here:**

[The History of LSA here](#)

CONCLUSION

If we have learned anything from the pandemic it's that inequality is still very much existing in our society and has to be thrown into very sharp focus as a consequence of the pandemic:

- **Unemployment**
- **Poverty**
- **Homelessness**
- **Housing issues**
- **Eviction**
- **Mental Health issues**
- **The needs of refugees**
- **Asylum seekers**
- **And migrants**



All of these are issues which LSA has responded to and will continue to respond to as we move forward.

It is essential that non-for-profit law centres like LSA are fully resourced to be able to meet the needs and assist people who are facing difficulty.

With that, we would like to give special thanks to our funders who are an integral part of enabling us to continue with the work we're so passionate about:

*AB Charitable Trust
Community Justice Fund
Foundation Scotland
Glasgow City Council
Health & Social Care Partnership with SLAB
Inverclyde Council
Oak Foundation
Refugee Council SRC Joint partnership project
Scottish Government Third Sector Homelessness Fund
The Clark Foundation for Legal Education
The Clothworkers Foundation
The Endrick Trust
Themis Solutions*

**THANK
you**



Staff and Board Members

Aaliya Seyal • Chief Executive Officer
Aileen Miller • Solicitor
Alastair Houston • Solicitor/Partner
Angela Hudson • Legal Secretary
Ann Marie McKay • Legal Secretary
Barrie Levine • Convenor
Ben Christman • Solicitor
Bobbi Fraser • Junior Legal Secretary/Administrative Assistant
Christine MacInnes • Finance Manager
David Law • Trustee
Elizabeth Stewart • Office Manager
Garry Burns • Company Secretary
Grant Carson • Trustee
Hannah Goldsmith • Solicitor
Helen McHugh • Solicitor
Jacqueline O'Donnell • Accredited Paralegal
Julie Robertson • Legal Secretary
Kasia Prochalska • Solicitor
Kirstie Cusick • Trustee
Luisa Fidelo • Trainee Solicitor
Mera Devi • Trainee Solicitor
Mhairi Miller • Solicitor
Mhairi Reid • Trustee
Paul D. Brown • Principal Solicitor/Partner
Peter Beckett • Trustee
Rachel Walker • Solicitor/Partner
Rona Macleod • Solicitor/Associate
Sandra Horne, Cleaner
Shaun McPhee • Trainee Solicitor
Siobhan O'Donnell • Legal Secretary
Stacey Carr • Financial Guardianship Assistant/Paralegal
Susan Bell • Seminar Manager
Tracey McKerlich • Benefits Administrator
Wanda Greig • Cleaner
Willie Croft • Vice Convenor, Treasurer

<https://lsa.org.uk/>