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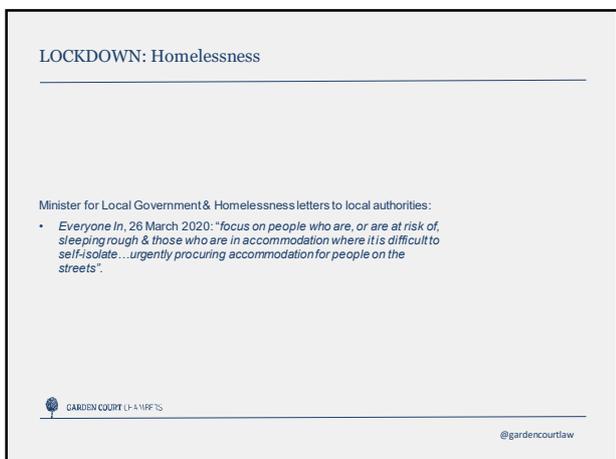
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LOCKDOWN: Homelessness

- Minister for Homelessness: *Moving onto the next phase, 28 May 2020:*
  - *"focus on ensuring accommodation and support arrangements can be managed safely to protect the most vulnerable...we need now to start planning the next steps for accommodation and supporting people to move on from emergency accommodation;*
  - *"you may have accommodated people who would normally and otherwise be ineligible for support, making judgments based on risk to life....the law regarding [NRPF] status remains in place. Local authorities must use their judgement in assessing what support they may lawfully give to each person on an individual basis, considering that person's specific circumstances and support needs. You may already be used to making such judgements on accommodating individuals who might otherwise be ineligible, during extreme weather for example, where there is a risk to life."*



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LOCKDOWN: Homelessness

- Minister for Homelessness, 24 June 2020: *"Covid-19 Response: Funding support for those in emergency accommodation and EEA Rough Sleepers"*:
- *"we remain committed to ensuring that as many people as possible who have been brought in off the streets in this pandemic do not return to the streets";*
  - £105 million funding (£85 million new money);
  - EEA rough sleepers: suspension of derogation to enable local authorities to accommodate and support rough sleepers for up to 12 weeks through voluntary services/voluntary sector.



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Coronavirus Act 2020

- Section 81 & Schedule 29 extend notice periods to 3 months from 25 March 2020 to 30 September 2020:
- Rent Act 1977 notice of intention to commence possession proceedings is required (para 2);
  - s.83 & 83ZA Housing Act 1985 notices (paras 3 & 4);
  - s107D Housing Act 1996 flexible tenancies notices (para 5);
  - s.8 Housing Act 1988 assured tenancies notices (para 6);
  - s.21 Housing Act 1988 assured shorthold tenancies notices (para 7);
  - s.128 Housing Act 1996 introductory tenancies (para 8);
  - s.143E Housing Act 1996 demoted tenancies (para 9).
  - NB new forms for s.21 & other notices.



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**Moratorium on possession proceedings & warrants**

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**Okoro v Hackney LBC [2020] EWCA Civ 681:**

- PD 51Z includes appeals against possession orders.

**Copeland v Royal Bank of Scotland [2020] EWHC 1441 (QB):**

- Judgment handed down during period after appeal heard in February 2020.

**TFS Stores Ltd v The Designer Retail Outlet Centres (Mansfield) General Partner Ltd & others [2020] EWCA Civ 833:**

- Also applies where counterclaim for possession.

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**From 24 August 2020.....**

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House of Commons Housing, Communities & Local Government Select Committee  
Interim Report *Protecting rough sleepers and renters* 22 May 2020: "a cliff edge of evictions".  
Shelter 6 July 2020: over 227,000 private renters have fallen into arrears;  
Mayor of London 10 July 2020: "tsunami of homelessness".  
The problem:

- Queen's Speech commitment to abolish s.21 in Renters' Reform Bill not published or timetable;
- Ground 8 mandatory ground;
- Anti-social behaviour?

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**The government**

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Government Response to HCLG Select Committee report June 20:  
"The proposals for tenancy reform would represent the largest change to renting in 30 years & it is only right that these reforms are taken forward in a considered manner"  
Pre-action protocol for private landlords:

- Not yet published;
- Contents unknown;
- Sanction for non-compliance?

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**The campaigners**

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House of Commons Housing, Communities & Local Government Select Committee  
Interim Report *Protecting rough sleepers and renters* 22 May 2020:

- Draft Coronavirus (Protection of Assured Tenants) Bill: make s.21 & Ground 8 discretionary to 31 December 2020.

Chartered Institute of Housing, 31 May 2020 "Act now to avoid a post-Covid 19 spike in evictions" ([http://www.cih.org/news-article/display/vpath/IDCR/template/data/cih/news-article/data/CIH\\_calls\\_on\\_governments\\_and\\_landlords\\_to\\_act\\_now\\_to\\_avoid\\_a\\_post-COVID\\_spike\\_in\\_evictions](http://www.cih.org/news-article/display/vpath/IDCR/template/data/cih/news-article/data/CIH_calls_on_governments_and_landlords_to_act_now_to_avoid_a_post-COVID_spike_in_evictions)):

- Extend moratorium, end s.21 & make Ground 8 discretionary;
- Repayment plan for Covid 19 arrears over 2 years;
- Reform UC & DHP & suspend benefit cap.

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**The campaigners**

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Local Government Association, 4 June 2020:

- Clarity as to additional practical support to help move people out of temporary accommodation;
- Allow councils to retain 100% RTB receipts & spend over 5 years.

Mayor of London 10 July 2020:

- Increase welfare payments;
- Prevent evictions due to Covid 19 arrears & extend moratorium until enacted;
- Abolish 21.

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**The campaigners**

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Greater Manchester Law Centre, Garden Court North & Tenants Union, June 2020:

- Abolish s.21 or amend s.21 notices;
- Covid 19 arrears should not be "rent lawfully due" but money judgment;
- Pre-action protocol for private landlords;
- Presumption ADR for s.21 claims.

Generation Rent: *End the Rent Debt Crisis*, 1 July 2020:

- Amend Rent Act & Housing Act so that Covid 19 arrears not "rent lawfully due";
- Increase benefit: restore LHA to median level, suspend benefit cap, end 5 week wait for UC, suspend NRPF;
- Coronavirus Home Retention Scheme to underwrite landlords losing rent up to 80%/£2,500 pm.

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### The campaigners

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- Crisis draft *Homelessness and the Prevention of Homelessness (Covid 19 Response) Bill*
- new duty on local housing authorities to secure accommodation to those who are homeless, regardless of priority need, eligibility or local connection;
  - Assessment, PHPs & relief duty apply;
  - Duty can come to an end if suitable accommodation accepted, Part 7 duties apply, HO accommodation is available or after 12 months from Royal Assent;
  - Encouraged but not required to make application for accommodation & support to HO;
  - Suspends NRPF & right to reside test so that anyone entitled to duty can receive benefit;
  - Suspends right to rent test.

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### The campaigners

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- Crisis draft *Homelessness and the Prevention of Homelessness (Covid 19 Response) Bill*
- S.21 & Ground 8 claims discretionary;
  - Courts required to consider in all discretionary grounds based on rent arrears whether accrued as a result of coronavirus;
  - S.89 Housing Act 1980 power to suspend for up to 6 weeks can be extended to 3 months & renewed;
  - Time limited amendments;
  - Benefit cap suspended to March 2022 (when Coronavirus Act 2020 expires).

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### A political choice..

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A "tsunami" of possession claims, evictions, homelessness applications & rough sleeping; or

For a period at least, emergency accommodation for everyone otherwise forced to sleep rough & tenants helped to remain in their homes.

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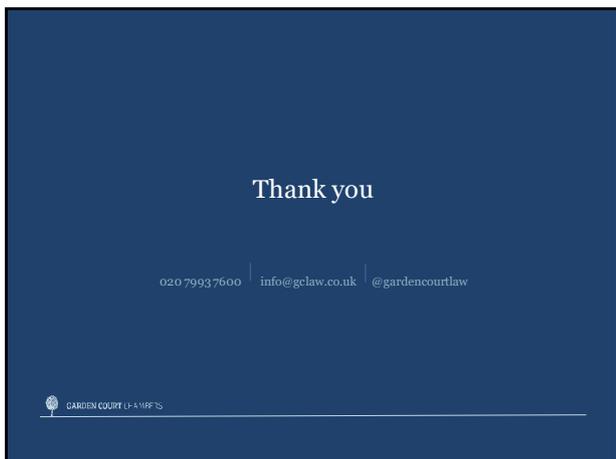
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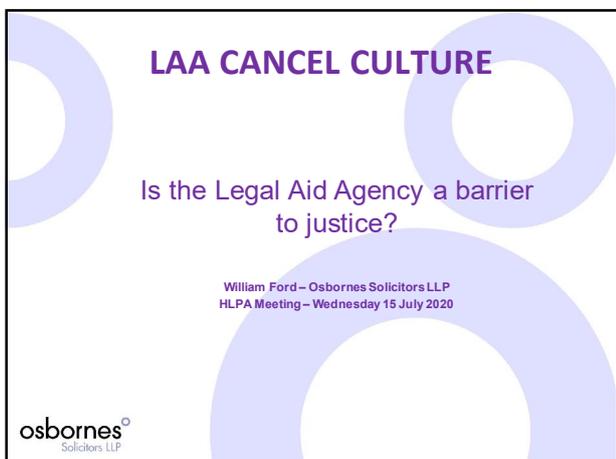
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## Barriers to Justice in the legal aid system

- There are numerous ways in which the legal aid system operates as a barrier to justice. These include:
  - Scope changes brought in by LASPO. Large swathes of work now out of scope; e.g. all welfare benefits work pre UT, some allocations work, general housing advice, disrepair damages claims etc.
  - Significant restrictions on ability to get funding for Judicial Review cases and on ability to be paid.
  - Restrictions on use of delegated functions. Why can't we delegate on the majority of Judicial Review cases? Why can we delegate for s20 CA 1989 cases but not s17, or s23C CA 1989? <https://www.gov.uk/guidance/work-out-who-qualifies-for-civil-legal-aid#tables-of-delegated-authorities>
  - Backdated benefit payments don't count as income but do count as capital – penalising people who have received backdated payments following successful benefit appeals (see para 4.6.5 of the Guide to Determining Eligibility for Certificated Work).



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### Continued 1

- Unchanging income and capital limits. £733 disposal income and £8000 capital.
- The removal of passporting for those in receipt of means-tested benefits, resulting in unnecessary bureaucratic hurdles and provision of evidence.
- The government had promised a review of legal aid financial eligibility by summer 2020 in the Legal Support Action Plan published on 7 February 2019. This has now been "paused" due to Covid-19. <https://www.lawgazette.co.uk/news/moj-pauses-legal-aid-means-test-review/5104798.article>
- When assessing disposable income the maximum deduction for rent if you are a single person is £545 – see regulation 28(7) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013. Why? See attached document.
- Capital disregards for owning a property effectively exclude nearly anyone who owns property from legal aid (especially in London).



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### Continued 2

- The "culture of refusal". This is perhaps the biggest problem area. See for example the approach taken by the LAA in the case of *Samuels v Birmingham City Council* [2019] UKSC 28. See CLP blog: <http://www.communitylawpartnership.co.uk/news/samuels-the-long-road-to-the-supreme-court-struggles-with-the-legal-aid-agency>. This is a particular issue in Judicial Review cases where the LAA routinely adopt points made by the opponent in response to PAPL as grounds for refusing funding.
  - Potential tactics for combating this approach:
    - Spend time addressing in your legal aid application why you consider any points advanced by your opponent are wrong.
    - Consider use of Legal Help to obtain Counsel's opinion, particularly where complex or in circumstances where there has been an initial refusal by the LAA. See paragraphs 3.58 to 3.60 of the Standard Civil Contract
- 3.60 Where you claim Counsel's fees under Paragraph 3.58 to 3.59
- (a) you must record the justification for the instruction of Counsel in terms of the complexity or other exceptional circumstances of the case and the relevant expertise of Counsel;
- (b) Counsel must set out details of the time spent in their invoice; and
- (c) you must pay Counsel the full fee stated in Counsel's invoice and claimed from us, irrespective of any reduction in respect of Counsel's fees on assessment.
- Remember you can only charge Counsel's fee as a disbursement if you claim the escape fee. Otherwise solicitor and Counsel paid out of one fixed fee! But you are not limited to the rates set out at Schedule 2 of the Civil Legal Aid (Remuneration) Regulations 2013 for Counsel's fees.
- Familiarise yourself with the review and appeal procedures set out at regulations 44 and 45 of the Civil Legal Aid (Procedure) Regulations 2012.
  - Be prepared to JR the LAA where necessary!



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**Tactics for operating in an unjust system**

**1 – Know the sources for LAA decision making (even if they don't!)**

- Familiarise yourself with all of the (often amended) legislation and guidance. Below is a list of some of the relevant statutory materials:
- LASPO
- The Civil Legal Aid (Procedure) Regulations 2012
- The Civil Legal Aid (Merits Criteria) Regulations 2013
- The Civil Legal Aid (Remuneration) Regulations 2013
- The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013
- The Civil Legal Aid (Statutory Charge) Regulations 2013
- Advanced Search
- The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013
- The Civil Legal Aid (Costs) Regulations 2013




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**Continued**

- And below is a list of some of the relevant guidance:
- 2018 Civil Contract
- Costs assessment guidance (2018)
- Guide to determining financial eligibility for controlled work and family mediation
- Guide to determining financial eligibility for certificated work
- Means assessment guidance
- Civil finance electronic handbook
- Lord Chancellor's guidance (under section 4 of LASPO)
- Lord Chancellor's guidance - determining eligibility (means)
- Lord Chancellor's guidance - exceptional case funding (non-inquests)
- The statutory charge manual
- Legal aid reform frequently asked questions.




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**2.Backdating of legal aid certificates**

- The "effective date" for any grant of legal aid funding under Civil Legal Aid (Procedure) Regulations 2012 ("the Procedure Regs"), as originally drafted, was the date the LAA made a decision (or at least that was how the LAA were interpreting the Procedure Regs). This created numerous problems, particularly in cases where you applied for emergency representation, or where you needed an urgent scope amendment to carry out necessary work.
- This inflexibility was challenged by the Public Law Team at Duncan Lewis. [https://www.duncanlewis.co.uk/news/Regulations\\_to\\_create\\_backdating\\_power\\_made\\_in\\_response\\_to\\_litigation\\_by\\_Duncan\\_Lewis\\_11\\_February\\_2019.html](https://www.duncanlewis.co.uk/news/Regulations_to_create_backdating_power_made_in_response_to_litigation_by_Duncan_Lewis_11_February_2019.html)
- This resulted in an amendment to regulation 35 of the Procedure Regs with effect from 20.2.19, and provides as follows:
  - (3) *If the requirements in paragraph (4) are met, the Director may specify that a determination has effect from a date earlier than the date of the determination.*
  - (4) *The requirements are that—*
    - (a) *the application for the services was made as soon as reasonably practicable;*
    - (b) *the Director is satisfied that—*
      - (i) *it was in the interests of justice for the services to be carried out prior to the date of the determination; and*
      - (ii) *the services could not have been carried out as Controlled Work; and*
      - (c) *in the case of reconsidering a determination on review or following an appeal, having regard to all the circumstances, including the information that was available to the provider when the application for the services or the application for the review was made, the Director is satisfied that it is appropriate for the determination to have effect from the earlier date.*

You are still undertaking work at risk of not being paid, but there is at least the possibility of getting the scope backdated to cover the work you have done. This is of particular use where there is an urgent appeal deadline, or an urgent need to issue proceedings.




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### 3. What is in scope? Possession

- When can you get legal aid funding to bring a counterclaim in possession cases?
- Frequently Asked Questions: Civil Legal Aid Reforms 19/04/13 ("the FAQs") states as follows:  
**83. Can a counterclaim for damages be in scope in respect of any other issue than serious disrepair?**  
*Any counterclaim that is properly pleaded as a defence to possession proceedings is in scope, subject to the Part 2 exclusions set out in paragraph 33 of Part 1, Schedule 1.*
- Para 33, of Part 1, Schedule 1 of LASPO provides:  
**33 Loss of home**  
*(1) Civil legal services provided to an individual in relation to—*  
*(a) court orders for sale or possession of the individual's home, or*  
*(b) the eviction from the individual's home of the individual or others.*
- The key factor is that the counterclaim must be pleaded as a defence to the possession claim—it is then a civil legal services provided in relation to court proceedings. So, a disrepair counterclaim to a rent arrears possession claim is in scope. But, a counterclaim for a s214 HA 2004 penalty for failure to protect a tenancy deposit in a s21 HA 1988 possession claim where no rent arrears are pleaded is not in scope.



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### Continued

- It is also worth considering the types of counterclaim that are specifically allowed. Para 33, Part 1, Schedule 1 LASPO  
*6) The services described in sub-paragraph (1) include services described in any of paragraphs 3 to 6 or 8 of Part 2 of this Schedule to the extent that they are—*  
*(a) services provided to an individual in relation to a counterclaim in proceedings for a court order for sale or possession of the individual's home, or*  
*(b) services provided to an individual in relation to the unlawful eviction from the individual's home of the individual or others.*
- The services set out at paragraphs 3 to 6 or 8 of Part 2 are not likely to be used frequently but cases may arise where they do. The services are:  
*3 - Civil legal services provided in relation to a claim in tort in respect of assault, battery or false imprisonment.*  
*4 - Civil legal services provided in relation to a claim in tort in respect of trespass to goods.*  
*5 - Civil legal services provided in relation to a claim in tort in respect of trespass to land.*  
*6 - Civil legal services provided in relation to damage to property.*  
*8 - Civil legal services provided in relation to a claim in tort in respect of breach of statutory duty.*
- It is also certainly arguable in any possession claim where there are benefit problems that it is necessary to fully understand what those problems are under the housing legal aid certificate or Legal Help. For example, you can charge for reading the Housing Benefit file. What you cannot charge for is resolving any benefit problems. Exceptional funding is required for that.



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### What is in scope? Allocation

- Assumption that all allocation work is out of scope? Again a useful starting point are the FAQs, which state:  
**77. Is advice in relation to allocations of housing accommodation in scope of legal aid?**  
*Allocations of housing accommodation are out of scope of legal aid unless made by an applicant classed as homeless within the meaning of s175 Housing Act 1996. Please see Paragraph 34 of Part 1, Schedule 1 of LASPO. You will also need to consider any exclusions in Part 2, Schedule 1.*
- Next stop LASPO, para 34, Part 1, Schedule 1:  
*(1) Civil legal services provided to an individual who is homeless, or threatened with homelessness, in relation to the provision of accommodation and assistance for the individual under—*  
*(a) Part 6 of the Housing Act 1996 (allocation of housing accommodation);*  
*(b) Part 7 of that Act (homelessness).*  
...  
*Definitions*  
*(2) In this paragraph "homeless" and "threatened with homelessness" have the same meaning —*  
*(a) as in section 175 of the Housing Act 1996 in cases where sub-paragraph (1) applies in relation to the provision of accommodation and assistance under—*  
*(i) Part 6 of that Act as it relates to England;*  
*(ii) Part 7 of that Act;*
- So if you can provide justification at the point of granting legal aid that your client is homeless (e.g. living in accommodation that is not reasonable to occupy) you can do an allocation case in the normal way.



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**Continued**

- What about an allocation case where the client is not homeless? Initial position appears to be the case is out of scope. But is there a possibility of a JR (which would likely require review procedures in the allocation scheme to have been exhausted first)? See LASPO, para 19, Part 1, Schedule 1:  
*19 Judicial review*  
*(1) Civil legal services provided in relation to judicial review of an enactment, decision, act or omission*
- There is no requirement within para 19 that the client must be homeless, provided you have grounds upon which a JR can be brought.
- If you have a public law contract an allocation JR is clearly in scope. What about if you only have a housing contract? Certainly arguable it is still in scope. See paras 9-12 and 37-38 of the Category Definitions 2018. These provide support for scope to fund an allocation JR under a housing contract, as there is an expectation that there will be an overlap between categories. The guidance provides that "the widest Category Definition includes those services that can only be made available via exceptional funding". Also of relevance is para 10.2 of the Standard Civil Contract – expectation for housing supervisors to undertake cases where they recognise the possibility of JR.



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**What is in scope?  
Disrepair**

- As you will know, legal aid remains in scope for legal services in connection with "the removal or reduction of a serious risk of harm to the health or safety" of an individual or their family (see para 35, Part 1, Schedule 1, LASPO).
- However, disrepair damages claims are out of scope (unless raised in defence to a claim for possession). Question 81 of the FAQs  
*Are damages regarding housing disrepair in scope? Can I claim for work regarding damages as part of the disrepair case?*  
*You must refer to Schedule 1 of LASPO to identify whether a case is in scope and consider specific exclusions outlined in Part 2, Schedule 1. In relation to housing disrepair, Paragraph 35 Part 1, Schedule 1 only describes services in relation to the removal or reduction of the serious risk of harm to health, it does not outline any claim for damages. Damages arising from a disrepair claim will fall outside of scope and therefore must be funded separately from the injunction or order for repairs claim. If providers carry out both then it will be their responsibility to apportion the work and ensure that no legal aid claim is made for the out of scope work. An explanatory note should be maintained on the case file. Providers should note that if they do obtain a legal aid certificate the statutory charge will attach to any damages recovered in the same proceedings.*
- So, work to force repairs is covered by legal aid but you'll need a CFA to do damages work, and if you recover damages the statutory charge applies. CFAs are useful but do not plug all the gaps left by the removal of legal aid. Many not for profit organisations cannot take on the level of risk involved or the funding of disbursements.



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**4. Getting paid for JR work**

- Combined with the difficulties in getting funding for JR work there are also difficulties in getting paid, even if the LAA deign to grant funding.
- The current situation is somewhat improved due to the case of *R(Ben Hoare Bell Solicitors) v Lord Chancellor (2015) EWHC 523 (Admin)*, which challenged the lawfulness of the previous version of regulation 5A of the Civil Legal Aid (Remuneration) Regulations 2013. The previous version had meant that a provider would only be paid for legal services if either the court (a) gave permission to bring judicial review proceedings or (b) neither refused nor gave permission and the Lord Chancellor considered that it was reasonable to pay remuneration in the circumstances of the case. This was found to be unlawful and resulted in an amended version of regulation 5A. This means that providers can be paid in the following circumstances in JR cases:
  - The Court gives permission.
  - The court neither refuses nor gives permission and the Lord Chancellor considers it reasonable to pay remuneration.
  - The Defendant withdraws the decision to which the JR relates and this results in the court either refusing permission or neither refusing or giving permission.
  - The court orders an oral hearing to consider:
    - a) whether to give permission to bring JR;
    - b) whether to give permission to bring a relevant appeal(which means an appeal against a decision to refuse permission); or
    - c) a relevant appeal The Court orders a rolled up hearing.
- It is also important to note that even if permission is refused you should still be paid for any pre-action work, disbursements, and any work incurred seeking interim relief (see regulation 5A(2)(a) and (3)(c)).



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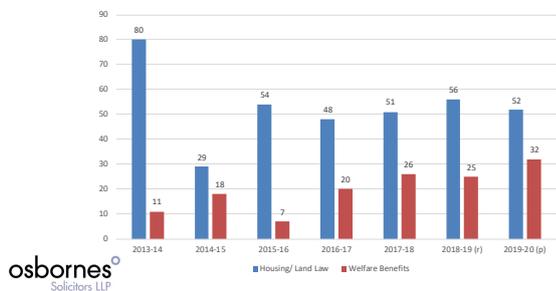
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### 5. Exceptional Funding

- Below is table demonstrating the worryingly low number of ECF grants in since 2013/14 in relation to Housing and Welfare Benefits - <https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2020>



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### Continued 1

- It is worth considering applying for exceptional case funding ("ECF") in a variety of cases familiar to housing practitioners where the work required is now out of scope. For example, whilst you may regularly come across unlawful benefit decisions in possession work, to actually resolve the underlying benefit issues you would need to apply for ECF.
- There will regularly be housing cases where there are concurrent welfare benefit problems and where it will be worth applying for ECF. Other purely housing cases which are out of scope where there may be grounds for obtaining ECF include:
  - Where a tenant requires advice on important issues involving their tenancy that are not connected to possession proceedings or homelessness (e.g. succession rights, rent increase clauses).
  - Representation in asylum support cases for hearings before the First-tier Tribunal (Asylum Support).
  - Cases where involving land law where a person lacks capacity to litigate or is particularly vulnerable e.g. some Trusts of Lands cases (assuming you can get past the capital eligibility rules).
  - Advice on demotion of tenancy and demotion orders (but note sometimes the LAA assume these cases are in scope).
  - Cases where legal advice is needed to secure damages arising from deficiency or disrepair, or where the person who may suffer a risk to their health is not an individual or relevant member of the individual's family.
  - To bring certain counterclaims, such as for personal injury.



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### Continued 2

- How to make an application?
- First step is to consider s10 of LASPO and the Lord Chancellor's guidance - exceptional case funding (non-inquests).
- Broadly, these will be cases where it is necessary to make legal services available to an individual because a failure to do so would amount to a breach of his or her Convention rights within the meaning of the Human Rights Act 1998, or because he or she has an enforceable right to such services under EU law, or where it is appropriate to do so in the particular circumstances of the case, in order to avoid a risk of a breach of the ECHR or EU law. Key question will be 'whether an unrepresented litigant is able to present his case effectively and without obvious unfairness' - see *Gudonaviene and Others v Director of Legal Aid Casework and Anor* [2014] EWCA Civ 1622
- LAA guidance on making applications can be found here: <https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding>
- The Public Law Project have produced a wealth of information, including guides specific to housing and welfare benefits: <https://publiclawproject.org.uk/exceptional-case-funding/>
- An application for ECF for legal help is made on CIV ECF1 form. For a certificate it is made through CCMS. For Legal Help the effective date will be the date the form is signed (provided it is submitted within 2 months of that signature). Regulation 68(1) of the Procedure Regs provides that the determination under s10 LASPO may specify an effective date earlier than the date of determination. LAA guidance confirms that for certificated work it will generally only be backdated to the date a completed application is submitted on CCMS, but there may be circumstances in which it is possible to argue for it to be backdated earlier.
- If you are applying for a certificate but you do not have a legal aid contract in the category of law you are applying for ECF (e.g. you have a housing contract but are applying for ECF for welfare benefits) you will have to apply for an individual case contract. This will involve persuading the LAA that the "effective administration of justice" test is met under regulation 31(5)(a)-(d) of the Procedure Regs. For example, you may argue that the most effective way of resolving the benefits issue (which has caused the housing problem) is for the firm dealing with the housing case to deal with all issues at once.



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Continued 3

- If you are applying for Legal Help and you have a contract in the area that you are applying for then you will just use a Legal Help for that category of law (assuming ECF is granted)
- If you are applying for Legal Help in an area where you do not have a contract in most cases where the LAA agree to grant ECF you will be advised to use one of your organisation's Miscellaneous Legal Help matter starts (see regulation 67 of the Procedure Regs and paragraph 8 of the 2018 Category Definitions). You may open up to 5 such matter starts per year (see the 2018 Standard Civil Contract Schedule).
- In Welfare Benefits cases Legal Help should be applied for in relation to any work that falls short of representation/advocacy before the First-Tier Tribunal ("FTT"). If you require legal representation at the FTT (or the Upper Tribunal ("UT"), as representation/advocacy before the UT is not automatically in scope) you will need to apply for a certificate via CCMS.
- Urgency. If the case is urgent there is a tick box on top of the first page of the ECF1 which should mean the application is considered in less than 20 working days. Urgent consideration can also be requested via CCMS. No equivalent of 48 hour urgent consideration but backdating is possible.
- The same rules for financial eligibility apply to ECF as to normal applications.
- If ECF is refused you can request a review within 14 days of the decision (see regulation 69 of the Procedure Regs). Beyond that there is no further appeal process and your only further redress is JR. If you have a public law contract it is possible to obtain legal aid to JR the LAA. Please do this!



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We need 3, 4, 5 bed council homes!

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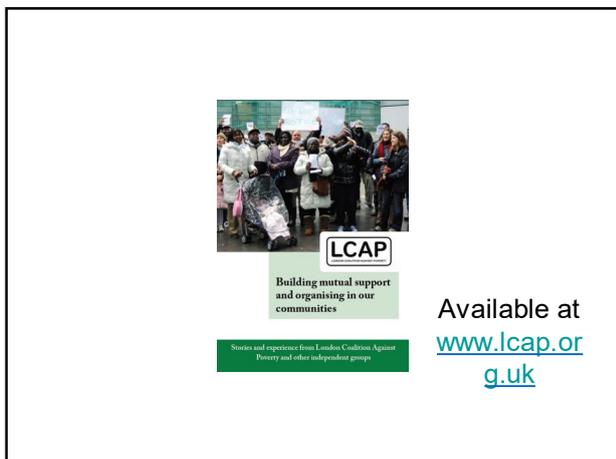
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Barriers to justice  
 Some of the barriers to justice / legal advice our members face include:  
 Language barriers  
 Not knowing they have any rights  
 Not knowing how to contact lawyers and not being able to  
 Local advice services being cut/ over-capacity – with legal aid cuts, even in London, it takes some determination these days to be able to find a lawyer who can take your case, even more difficult for urgent cases.  
 Not qualifying for legal aid – very low income families where they are not passported can be a few pounds over the legal aid threshold.  
 Slow legal process and difficulty of navigating it alone

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 A YouTube video thumbnail for a video titled "SUSANA'S STORY." The video is from the "HOUSING ACTION SOUTHWARK AND LAMBETH" channel. The thumbnail text reads: "A SINGLE WORKING MUM WHO IS UNABLE TO FIND THE POSSIBILITY TO FIND A COUNCIL HOME IN LAMBETH, AFTER LIVING IN LONDON FOR EIGHT YEARS WITH HER SON". There is a "HASL" logo in the bottom right corner of the thumbnail.
 

Youtube: Susana explains Lambeth council's homelessness trick

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### Lambeth council's apology:

*"We accept that some elements of the scheme could have been better explained and we apologise to former applicants. We will now amend this and contact former applicants in due course"*

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Different tactics we use / how we organise / overcoming barriers to justice

- Word of mouth
- Know your rights
- Help finding, liaising and working with lawyers
- Moral and practical support
- Protests and campaigns

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protest

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