

## **Strengthening Civil Society**

Supporting effective use of the law and human rights based approaches

**Implementation of successful litigation – application guidelines  
November 2019**

## **Purpose of the Strengthening Civil Society programme**

This programme supports effective use of the law and human rights based approaches by civil society in the United Kingdom. It is a collaboration with the Legal Education Foundation and the Esmée Fairbairn Foundation.

We see the law and human rights based approaches as important tools for civil society. They can provide a means to tackle directly the discrimination and disadvantage faced by vulnerable people. There are great examples of civil society organisations who have used these tools effectively in these ways.

However, use of the law and human rights based approaches is far from consistent across the voluntary sector and many organisations see no link between these tools and their purpose, strategy and activities, or are wary of using them. This programme aims to boost engagement and to support organisations within the broader civil sector to make effective use of the law and human rights based approaches to tackle discrimination and disadvantage.

Our primary focus is on social change activities that tackle discrimination and disadvantage. By social change we mean:

- changes in policy, regulation and law;
- changes in behaviour, attitudes and norms; and
- new ways of designing and delivering services or support for individuals.

Definitions of the law and human rights based approaches vary, but in this programme we use these terms in a broad and practical way. A framework for different uses of the law by civil society is available [here](#).

## **Purpose of this call**

This call for expressions of interest is intended to support civil society organisations to implement a court judgment or the outcome of a litigation process that has the potential to achieve social change for people facing discrimination and disadvantage. We know that social change is rarely achieved in the courtroom alone and this fund will provide resources for civil society to continue its work after successful litigation.

This fund is looking for expressions of interest that support the implementation phase after 'successful litigation'. This phrase is deliberately broad, with the intention that it spans everything from a definitive judgment of the Supreme Court to the early settlement of a claim. We encourage applications that aim to implement successful litigation regardless of how far the formal process progressed. The key criteria is that the decision has the potential to contribute to social change for people facing discrimination and disadvantage.

We expect implementation work to be varied and reflect the circumstances and nature of the successful litigation. This could include:

- advocacy and policy influencing;
- campaigning;

- awareness raising;
- research;
- monitoring of implementation; or
- further legal action.

## **Examples of the implementation phase**

To give you an insight into the type of work that may be needed to implement successful litigation, we have included two recent case studies.

### *Inclusion London – RF v Secretary of State for Work and Pensions*

At the end of 2017, lawyers from the Public Law Project took the Department for Work and Pensions (DWP) to court over changes to the Personal Independence Payment regulations (PIP) which would discriminate against people living with mental health conditions. The claimant was known as RF and her case was supported by a number of charities, including Inclusion London, a support organisation for over 70 Deaf and Disabled People's Organisations (DDPOs) in London.

RF won her case – and to the surprise of many, the DWP didn't appeal but announced instead that it would review entitlements for 1.6 million claimants of PIP, with a potential 164,000 people with mental health conditions likely to benefit.

It was clear fairly quickly that there was much more work to do for those organisations that wanted to see the court judgment implemented, which would require time and resources. An immediate impact for Inclusion London was a large influx of enquiries from Disabled people, DDPOs, and welfare advisers prompted by widespread reporting of the case.

Inclusion London engaged after the judgment in various ways including putting together a position paper from DDPOs about the DWP's proposal in relation to the new guidance; providing information to Disabled people and DDPOs so they knew what the decision meant; briefing MPs; and monitoring the review exercise and raising concerns with the DWP. This work is still ongoing.

Some extra funding from the Baring Foundation helped to free up time for them to work on the implementation of the judgment.

### *Just for Kids Law & Let us Learn – R (Tigere) v Secretary of State for Business, Innovation and Skills*

In 2015, children's legal organisation, Just for Kids Law, intervened as a third party in the Tigere case in the UK Supreme Court. The appellant, Beaurish Tigere, came to the UK as a young child in 2001. However, despite going through both primary and secondary education in the UK and receiving several offers for university places, she discovered she was ineligible for student finance because she did not have 'settled' immigration status.

In July 2015, the Supreme Court ruled that it would be unlawful to refuse Ms Tigere a student loan solely on the basis that she was not settled in the UK.

As well as intervening in court, Just for Kids Law pursued a series of campaigning and communications activities in support of the issue. One unique outcome of this was the emergence of Let Us Learn, a campaigning group of young people facing the same problem as Beaurish. In 2019, the young campaigners who had been the backbone of Let Us Learn set up their own NGO, We Belong. Their vision is for young migrants living in the UK to be treated equally and fairly in the society they call home.

Both Just for Kids Law and Let Us Learn undertook a large amount of work after the Supreme Court decision to try to make sure the judgment led to new policy and practice which would help students in similar positions:

- Engaging with both the Government's consultation process on a new policy and civil servants drafting the policy to ensure it would benefit as many young people as possible.
- Handling a massive influx of enquiries for help and clarification, often prompted by wrong information provided to applicants by student finance bodies and university admissions.
- Extensive follow-up legal work for Just for Kids Law and Public Interest Law Unit (who had acted for the claimant) which had to issue a large number of pre-action letters to prompt the student loans company to comply with the interim policy. These follow-on legal actions continue even four years after the decision.

## **Who can apply for a grant?**

Applications will be considered from charities registered in the United Kingdom (or charities exempt or excepted from registration) or other not for profit entities. Activity under the grant applied for must deliver benefit in the UK. Applications for international work will not be considered.

Applications will not usually be accepted from organisations that undertake strategic litigation as their core business. Please contact us to discuss an application, if this may apply to your organisation.

Organisations which currently hold a grant from the Foundation are eligible to apply. Please get in touch with us before submitting an application to discuss whether your project is eligible.

## **Size and type of grant**

Grants of up to £30,000 are available, for up to one year. We expect to award approximately ten grants in this pilot year.

## **Our expectations**

Grants awarded under this fund are intended to support ongoing work by organisations, so we will expect you to explain how you were involved in the successful litigation, the plans you had put in place for the implementation phase and why additional funding is required at this stage.

We expect you to:

- show a clear understanding of the successful litigation;
- demonstrate how your planned activities may achieve social change in relation to people facing discrimination and disadvantage; and
- indicate how you plan to learn from your work in this area and how you might share this with civil society more broadly.

## Application process

For this fund, there is a two stage application process. You first need to contact us before submitting an application to discuss the suitability of your project for funding under this call. Please contact us via email: [baring.foundation@ing.com](mailto:baring.foundation@ing.com).

### *Stage one*

In order to consider your application, we need you to:

1. Complete a grant application form, which can be found online [here](#).
2. Write an expression of interest.

Expressions of interest must be factual and written in plain English, avoiding jargon and rhetoric. They must be no more than 1500 words and should be presented under the following headings:

- **Summary** – summarise, in no more than 300 words, your project’s objectives and the successful litigation;
  - **Overview of successful litigation** – describe the successful litigation, its potential social change implications and the role your organisation has played;
  - **Purpose** – explain your project’s purpose, evidencing the specific area of discrimination or disadvantage you hope to address and three key outcomes you would like to achieve;
  - **Organisation** – explain your organisation’s purpose, your current priorities and why you are the best placed to work on this project; and
  - **Learning** – tell us how you plan to learn from your activities and how this learning could support your work going forward.
3. Produce a budget – you should upload a budget that includes your administrative costs and staff time.
  4. Include your organisation’s safeguarding policy. If you do not have a safeguarding policy, please upload an explanation entitled "No safeguarding policy".

Your expression of interest, budget and safeguarding policy should all be separate documents. You will be directed to upload these documents in the grant application form. If you encounter

any issues using our online form, please call on us 0207 767 1348.

## *Stage two*

Shortlisted applicants will be invited to take part in a second stage, a phone call with a member of our programme staff, to help us understand more about your project and wider work. We may request further information at this point.

## **Timetable**

There are three deadlines for applications to this fund during 2020.

<b>Deadline</b>	<b>Decision</b>
9am on Wednesday 29 January 2020	Decision by Friday 6 March 2020
9am on Wednesday 20 May 2020	Decision by Friday 26 June 2020
9am on Wednesday 12 August 2020	Decision by Friday 18 September 2020

In exceptional circumstances we will be able to assess and make decisions on applications in between deadlines. If your organisation is responding to a recent legal victory for which immediate funding will allow you to be more effective, please give us a call to discuss submitting an application.

Full details of the conditions attached to any grant will be provided following its award.

## **Preparation**

Ahead of submitting your application, you may wish to read the following supporting research:

- a paper on the [successful use of strategic litigation by the voluntary sector](#);
- a [framework for better use of the law](#) by civil society organisations; and
- a paper on the [value of using legal based approaches](#) (which informed the focus of our Strengthening Civil Society programme).

After reading through these documents, please email us at [baring.foundation@ing.com](mailto:baring.foundation@ing.com) to discuss your project. We will be able to offer you guidance on whether your project is in line with the work we are able to fund under this call.