

The Baring Foundation

Law and social change

16 December 2020

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Welcome to the Strengthening Civil Society programme e-newsletter

The place for news, resources, events, training and other opportunities for those interested in the use of the law and human rights by UK civil society. We welcome contributions, so please do send us suggestions for inclusion.

With our very best wishes for the end of 2020 and the start of 2021.

[MORE ABOUT THIS PROGRAMME](#)



This issue's highlight

Justice Together launches funding to transform access to justice in the immigration system

Justice Together has announced its first grant rounds designed to deliver on an ambitious strategy to transform access to justice in the UK immigration system.

Applications are invited for advice grant partners in the North East and North West of England, and Scotland. Funds are also open for influencing grant partners focused on change at local and national levels.

[FIND OUT MORE](#)

Baring Foundation news



Strengthening Civil Society: a year in review

Our Strengthening Civil Society programme has awarded 55 grants this year, totalling just over £1.73m, over £800,000 of that through our COVID response funds.

Jannat Hossain - our Programmes Officer and lead for this programme - explains **in this blog** how we awarded funding and also highlights some of what we are considering in the coming months.

[READ JANNAT'S BLOG](#)

In the spotlight: interviewees with some of our grant-holders

Our Programmes Officer, Jannat Hossain, has also interviewed some of the people behind our grants in a series of blogs on our website:

- **Joeli Brearley from Pregnant then Screwed** who set up the organisation after experiencing discrimination herself
 - **Chris Stacey from Unlocked** who have recently had good news on changes to the criminal record system following a Supreme Court case, their first legal intervention
 - and **Jen Ang who is a founding partner of JustRight Scotland** who are doing fascinating work on many issues including Trans rights, homelessness and domestic violence.
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THESE BLOGS AND MORE HERE



More news, campaigns and cases



Access Social Care: challenging the failure of COVID regulations to consider

disabled individuals in supported living

After the scandal of deaths in care homes was exposed, Government has taken steps to offer greater protection to people in registered social care settings. But people in supported living accommodation are still being overlooked. There has been no guidance, for example, for providers on how to facilitate vital visits from family and friends, leaving people already experiencing exclusion, even more isolated.

Over the last year, with the expert help of the Central England Law Centre, **Access Social Care** has collected data from its members to support a strategic case in December 2020 against the Secretary of State for Health and Social Care. The case, currently working within the pre-action protocol to judicial review, **challenges the failure to consider the needs of disabled individuals residing in supported living settings.**

FIND OUT MORE ABOUT THE CASE



Birthrights and other campaigners challenge visiting guidance in maternity

units

Birthrights has been campaigning to encourage the Government and NHS Trusts to allow partners back into maternity units, in line with the fundamental human right to family life. Birthrights has been working with Pregnant then Screwed, Birth Bliss doulas, Make Birth Better, AIMS, the Birth Trauma Association and the Fatherhood Institute around the **#butnotmaternity hashtag** to raise awareness of the fact that while people can go to restaurants, hairdressers and shops and also to weddings and funerals, partners are still being prevented from attending scans and important appointments and are being separated from their partner and baby in some cases for days after the birth.

Birthrights wrote to NHS England on the 20 August and worked with Pregnant then Screwed to co-ordinate **a further letter signed by over 100 organisations, MPs, academics and healthcare professionals and featured in the Mail on Sunday**. Further visiting guidance is expected to be published shortly.

READ THE LETTER



CPAG: important ruling on financial support for children with significant disabilities

CPAG have brought a **successful challenge** on behalf of two British children with significant disabilities to the requirement for them to have been in the UK for 2 years before being able to claim disability living allowance. The Upper Tribunal found that the application of the 2-year requirement to the children, who had previously lived abroad, had been unlawfully discriminatory, in breach of their human rights. This important **decision** paves the way for other disabled children to access crucial financial support when they need it.

CPAG have also been awarded the **Law Society's Excellence Award** in the Access to Justice category for their work bringing **legal test cases** to challenge unlawful social security legislation and supporting frontline advisers tackling child poverty in the UK,

though the provision of training and free publications as part of their **Judicial Review Project**.

You can find out more about CPAG's ongoing Access to Justice work in this two-part **blog post**.

Two successful legal challenges from Pre-Action Protocol Project led by Deighton Pierce Glynn

In the last week, DPG have led two successful legal challenges, with both cases emerging from the Pre-Action Protocol (PAP) Project.

This week's judgments concern - and are highly critical of - the Government's oversight of private contractors in the asylum system and the treatment of asylum seekers with a disability. See **a press release here** and an article in **The Independent here**.

The PAP project began as a collaboration between DPG and the British Red Cross and then with **ASAP (Asylum Support Appeals Project)** and supports frontline workers to use the pre-action protocol to judicial review to challenge official decisions. The model has been highly effective with many clients' issues resolved after a pre-action letter.

FIND OUT MORE ABOUT THE PAP PROJECT



PILC & RAMFEL: help challenge the deportation of people who are homeless

The Public Interest Law Centre (PILC), acting on behalf of Refugee and Migrant Forum of Essex and London (RAMFEL), is taking the Home Office to court to challenge **recently announced changes to the Immigration Rules that could lead to the deportation of homeless non-UK nationals**. This is an attempt to resurrect a previous policy which PILC had successfully taken the Government to

court on in 2017.

They are also **crowdfunding to protect RAMFEL** from adverse legal costs.

FIND OUT MORE HERE



Unlock: A momentous day for tens of thousands of people with old and minor criminal records

The Government has announced **changes to the criminal record disclosure system** which means that many people who would have had to disclose minor, childhood offences during DBS checks will now no longer have to.

There are two main changes – childhood cautions will no longer be automatically disclosed and the multiple conviction rule, whereby all convictions were disclosed no matter what they were for, is being abolished. This comes after many years of campaigning by Unlock and others and follows a successful Supreme Court case in 2019 which Unlock intervened in.

Unlock **has lots of useful information on its website** about the changes and what people affected and employers need to know.

READ UNLOCK'S RESPONSE





The Unlawful State: stories from a pandemic

This series by openDemocracy profiles organisations using the law to help people who have been worst affected by the COVID-19 pandemic and/or the raft of new policy associated with it. Two recent stories feature:

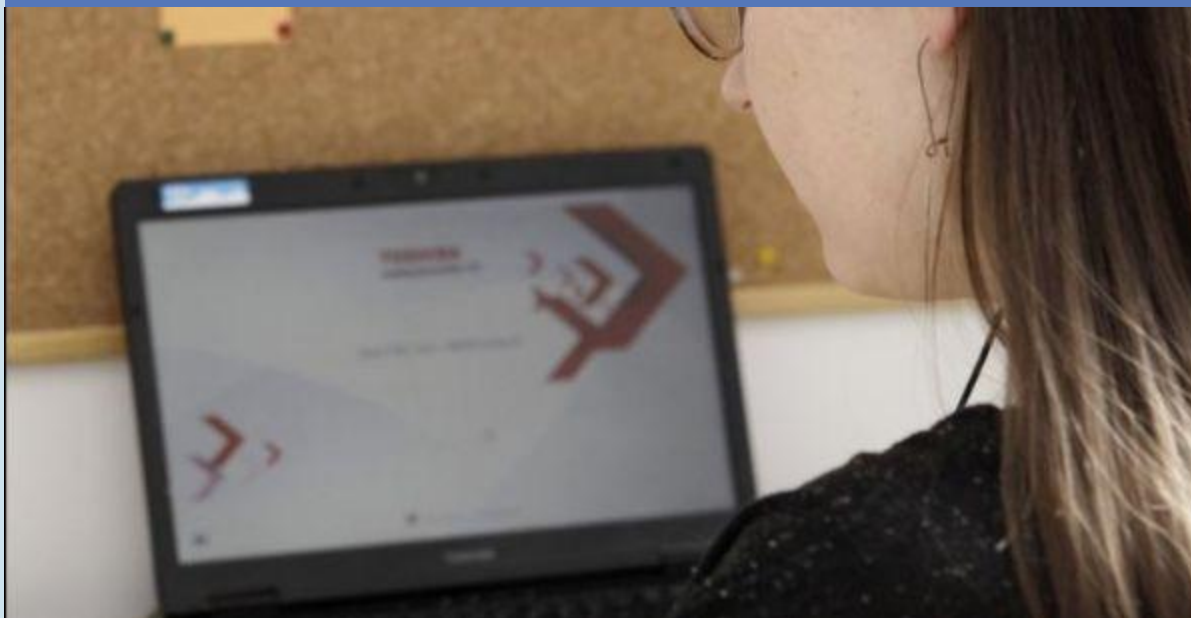
Rachel Hogan of the Children’s Legal Centre Northern Ireland and Tina, mother of Lauryn, who lost all her SEN support overnight when lockdown happened.

Louise King of Children’s Rights Alliance England (CRAE) and Just for Kids Law on two issues that are jeopardizing the wellbeing and futures of vulnerable children – delayed school exclusion hearings and extended custody limits.

MORE ON THIS SERIES



Training & support



ASAP: new e-learning module on the remote asylum support appeal process

The asylum support appeals process has changed as a result of the pandemic. The Asylum Appeals Support Project has introduced this new module to give caseworkers working with asylum seekers an overview of the process as well as the tools to help clients submit asylum support appeals. It will help you:

- understand how the remote appeals process is conducted
- feel confident assisting clients submit an appeal
- know how to help your client request an oral hearing
- be able to respond to a directions notice.

The course is designed for those who have an understanding of asylum support already. It is a self-study course that should take approximately 1 hour to complete. They have other e-learning courses for those new to asylum support.

FIND OUT MORE OR REGISTER



Friends, Families and Travellers: evictions from unauthorised encampments

During the pandemic Gypsies and Travellers have faced a unique set of challenges, particularly those living in caravans who do not have the means to 'shield' or are struggling to gain access to basic amenities such as water and sanitation. Whilst some local authorities have responded positively to the needs of Gypsies and Travellers, others have continued to evict roadside camps.

Friends, Families and Travellers partnered with the Community Law Partnership to hold **a legal briefing webinar on the rights of nomadic communities during COVID-19** and beyond.

[READ THE PAPER](#)



[WATCH THE BRIEFING](#)

Reports and resources



Maternity Action: Rise in insecure employment profoundly disadvantages pregnant women

Maternity Action has released **a new report calling for robust Government action to reverse the growth in insecure work**, citing the harsh impact on mothers in the workplace. Their research

was supported by the University and College Union (UCU) and UNISON, based on interviews with pregnant women and new mothers in casualised work.

FIND OUT MORE



Legal Action Group: Justice Matters – essays from the pandemic

An interesting collection of essays which together tell a powerful story of the impact of COVID-19, the responses to it, and the hope for change.

VIEW THE CONTENTS PAGE



NPC: How charities can use the law to achieve social change

Hear David Sampson of The Baring Foundation, Martin O'Brien from Social Change Initiative and Katrina Ffrench from Stop Watch discuss the importance of the use of the law as a tactic at a session held by New Philanthropy Capital (NPC) as part of its annual conference.

WATCH HERE



A2J.Tech – the place to go for tech innovation in the access to justice sector

Rightsnet have launched a new website (a2j.tech) designed to help shine a light on all the great things that are happening in

organisations' use of technology across the access to justice sector. The site has been launched with a small number of exemplar projects and services, from the UK, Australia, and the USA, and rightsnet will be adding more over the next days and weeks.

And do let rightsnet know if you, or someone you know, is using technology to deliver an access to justice project or service. You can submit a listing at: a2j.tech/submit

FIND OUT MORE



Rights and Security International: the indefinite detention of European women and children in Syria

RSI have published **a new report based on interviews with women in the camps**, as well as families and security officials in Europe, documenting the inhumane conditions faced by some 640 European children (most under the five years-old) and 230 European women (including an estimated 35 British children) accused of supporting ISIS that are being held by Kurdish authorities. As in Guantanamo, they are held without charge or legal rights to a trial.

The report argues that their repatriation is legally necessary, logistically possible, and Europe's only viable national security option.

READ THE REPORT



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Charity No: 258583 Company No: 950696

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