

**The Baring  
Foundation**

**Law and human rights  
based approaches in the  
voluntary sector**

13 March 2019

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## This issue's highlight



### **Eight new grants awarded to organisations using legal action to drive social change**

These new grants will use the law at the centre of campaigns for change on a wide range of issues, including immigration, trafficking,

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[domestic violence,  
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[social care, mental health and HIV.](#)

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82 expressions of interest were received totalling over £7.8 million in requested funding, with strong proposals from a wide range of organisations.

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## Cases, campaigns & other news



### **Rights based approaches can support advocates of young mothers with care experience**

The **MAC Project** is a joint initiative of the Central England Law Centre and Astraea Project. It piloted a rights-based approach to supporting grassroots and advocacy organisations to ensure pregnant women and mothers with experience of care receive appropriate support to give them the chance to parent their own children.

The project brought advocates together for training focusing on rights in practice and backed this up with ready access to specialist legal advice. It also convened expert reference groups to offer insights into what effective support for young women in this situation would look like with a view to influencing policy and practice.

The evaluation found considerable evidence of positive changes in practice on the part of individual advocates and emerging evidence of changes in practice on a case-by-case basis and across services and policy-making.

The project has created a range of materials – including case studies, templates, tips and legal literacy video tutorials to help other organisations. **These are available here, as well as the full evaluation and summary.**

An extended news article can be found **here**.

ABOUT THE MAC PROJECT



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## Scottish Minister announces plans to improve the law for siblings in care

Scottish law is to be strengthened in relation to keeping brothers and sisters together when they are placed in local authority care where it is in their interests to do so. The changes will also result in siblings being on an equal footing with parents in relation to promoting personal relations, meaning that there will be a duty on local authorities to take steps to promote personal relations and contact between brothers and sisters when a child is in care.

This announcement was made at a conference organised by Clan Childlaw and Siblings Reunited and comes a year after the launch of the 'Stand Up for Siblings', a collaboration made up between a number of child welfare, children's rights and legal organisations and academics within Scotland.

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## CWJ is preparing a super-complaint on police failures in VAWG cases

The Centre for Women's Justice is currently preparing a super-complaint on police failings to use the following protective measures: failure to impose bail conditions; failure to arrest for breach of non-molestation orders; failure to utilise Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs); and failure to apply for restraining orders at conclusion of criminal proceedings.

CWJ is working with ten frontline organisations which work with survivors of domestic abuse, sexual violence and harassment and stalking to collect data and will be putting forward proposals for change to policing practices. The super-complaint will be submitted in the first half of March and published by HMICFRS on its website.

A fuller summary of this work can be found [here](#).

FIND OUT MORE ABOUT CWJ'S WORK



## Maternity Action raises NHS charging for maternity care with CEDAW

Maternity Action attended the CEDAW Committee earlier this month to raise awareness of the charging of migrant women in the UK for maternity care, which it believes does not comply with Article 12 of the Convention.

You can read more about issues around NHS charging and Maternity Action's campaigning in a **recent blog** by Head of Policy and Campaigns, Scarlet Harris.

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## Public law 'health check' of the Statutory Instruments facilitating Brexit – new PLP project

The Public Law Project launched the **SIFT Project (Statutory Instruments: Filtering and Tracking)** in January. It aims to ensure that any SIs used by Ministers are public law compliant and do not undermine fundamental rights. It will seek to monitor the way these powers are being used and to hold Ministers to account where they appear to be exceeding their powers.

The project is also creating a network of civil society organisations representing individuals and sectors potentially affected. If you would be interested in becoming a member of the SIFT network, please email the project's lead Alexandra Sinclair at **[a.sinclair@publiclawproject.org.uk](mailto:a.sinclair@publiclawproject.org.uk)**.

MORE ABOUT THIS PROJECT



Inclusion London collaborated with 39 Essex Chambers and Cardiff University School of Law and Politics to enable Disabled people to give their views about the Mental Capacity legislation.

A **report** which summarises the findings and puts them into perspective of the UN Convention on the Rights of Persons with Disabilities was published in December 2018, and Disabled People's organisations used it to lobby for changes to the Mental Capacity Amendment Bill and the Code of Practice for the Mental Capacity Act.

Inclusion London also supported a legal challenge about the lack of accessible information about the bill, and Department of Health had to commission and publish an easy-read version as a result.

READ THE REPORT



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## Recent legal action by CSOs - cases of interest

Readers might be interested in the following cases involving civil society actors.

*DWP failed for years to meet legal duties on accessible information, says judge*

Several disability organisations, including Inclusion London, RNIB and National Deaf Children's Society, provided evidence to the high court of the DWP's refusal to allow disabled people to communicate via email about their benefit claims.

**Read more**

*High Court finds DWP unlawful on universal credit assessments*

This judicial review was brought by Child Poverty Action Group and solicitors Leigh Day on behalf of four lone mothers to challenge the



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**Read more**

*Article 39 have launched a judicial review over guidance for local authorities on duties towards children in care*

Article 39 and solicitors Simpson Millar are taking legal action against the Department for Education to remove the document on grounds that it is inconsistent with the statutory framework and overwrites key obligations in the children's social care system.

**Read more**

*Aspects of the criminal records disclosure regime found to be disproportionate and in breach of Article 8 of the ECHR*

The Supreme Court has ruled in favour of three people who claimed their prospects were damaged by needing to disclose minor youth criminal convictions to employers. Claimants were represented by Liberty and Just for Kids Law and Unlock intervened in the case.

**Read more**

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## Resources & training

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Discussion Paper:  
Overcoming Barriers to  
Public Interest Litigation  
in Scotland

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# Overcoming barriers to Public Interest Litigation in Scotland

This short paper by Clan Childlaw and others explores why public interest litigation (PIL) by NGOs is relatively rare in Scotland.

READ THE REPORT



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## 2018 State of Children's Rights report

CRAE have published their annual State of Children's Rights 2018 report made up of evidence from their 100 members and new data. The report finds little evidence of progress on children's rights issues over the past year, suggesting that a focus on Brexit is reducing government's ability to address issues such as rising exclusions from school, mental health problems and child poverty.

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## Centre for Women's Justice: Lawyer Training Day

CWJ are holding a training day for lawyers on 29 March.

The day includes legal analysis from Phillippa Kaufmann QC, Karon Monaghan QC, and from Lisa Gormley of the LSE Centre for Women, Peace and Security on using international legal instruments and the CWJ team on its toolkits and strategic work.

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