

The Baring Foundation

Law for social change e-
newsletter

17 March 2021

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This issue's highlight



Call for tenders to research the use of the law to challenge racial injustice

We are looking for a researcher to research **how legal action has been used by civil society in the UK to challenge racial injustice between 1990 and 2020**: what has worked, where are the opportunities and what are the limitations?

This research will help inform future funding to help anti-racist movements use the law.

Grateful for any sharing to help us find a great researcher or research team.

[FIND OUT MORE](#)



Cases and campaigns



Judicial Review and the Human Rights Act: responses and organising

The Baring Foundation responded to both the Independent Review on Administrative Law (IRAL) and the Independent Human Rights Act Review (IHRAR). You can read our responses **here** and **here** respectively. The UK Administrative Justice Institute has collected a wide range of responses from different organisations and sectors **here**.

Liberty has launched the **Stand Up to Power campaign** working with a broad coalition of charities, grassroots groups, campaigners and lawyers addressing the twin threats posed by both these reviews to our ability to hold power to account.

Amnesty are also starting to organise around potential changes to the Human Rights Act and has a **Grassroots Organising Meeting** on 23 March at 6pm. This meeting is in conjunction with Liberty.



Legal action over the involvement of Palantir in NHS data: openDemocracy and Foxglove

openDemocracy and Foxglove **are taking the Government to court over its agreement to give US data firm Palantir the contract to handle NHS data.** The Government initially entered into a short-term contract with Palantir in response to the pandemic but announced before Christmas the renewal of the contract for two years.

The legal case will call on the Government to publish a robust Data Protection Impact Assessment into any new contract, as required under data protection law.

Photo by Sai Kiran Anagani on Unsplash.

READ THE STORY





Important win for victims of trafficking after 10 year case: Anti-Slavery International

Ten years ago, Anti-Slavery International intervened in a case concerning a young man convicted of cannabis cultivation who was appealing to have his conviction quashed on the grounds that the UK Government had failed to recognise him as a victim of trafficking. He lost at the Court of Appeal.

An appeal **was lodged at the ECHR which ruled** this February that the UK Government had UK government abjectly failed in their duty to identify the claimant as a victim of trafficking and that in doing so they violated his rights under the ECHR.

This case underlines the importance of the non-punishment principle: that victims of trafficking should not be prosecuted for activities they were compelled to carry out due to slavery or exploitation and should be significant for many more victims of trafficking.

You can read more about the **prosecution of victims of trafficking in the UK in this article by Nogah Ofer** of the Centre for Women's Justice.

MORE ABOUT THE CASE





Council concedes case on mixed-gender housing for women fleeing violence: PILC

Public Interest Law Centre brought **a legal challenge** against Camden Council's practice of accommodating homeless women fleeing domestic abuse in shared hostel accommodation with men.

This is significant as this is a practice prevalent across many local authorities around the country. This situation arose due to the failure of councils to properly consider and prioritise the needs of survivors, as well as significant cuts being made to women-only services, accommodation provision and specialist organisations.

READ MORE



Government U-turn to exempt children from extended custody time limits: CRAE/Just for Kids Law

Following months of campaigning and legal action by CRAE (Children's Rights Alliance for England) and Just for Kids Law, **the Ministry of Justice has amended its recent extension to custody time limits (introduced during the pandemic) to exempt children.**

The new regulations which exclude children from the extended custody time limits are now in force and will have a retrospective effect. The regulations introduced in September 2020 had meant that a child could spend almost eight months on remand awaiting trial.

This work was supported by the Baring Foundation through our COVID-19 Legal Action Fund. It was also covered by **openJustice in its Unlawful State series which looked at violations of children's rights during the pandemic.**

READ MORE ABOUT THE CASE



Right of EEA citizens with pre-settled status to benefits going to Supreme Court: CPAG

Child Poverty Action Group **won a case** before the Court of Appeal on behalf of two EU nationals, a severely disabled man and his carer, who were refused universal credit on the basis that their limited leave to remain in the UK ('pre-settled status') did not qualify them to access means-tested benefits.

CPAG successfully argued that EU nationals with a right of residence under domestic law cannot be treated differently to a UK national in relation to access to social security. The Court quashed the regulations which affect thousands, but the government has appealed the decision, and in the meantime the Court's order is stayed. The Supreme Court will hear the appeal in May 2021.

READ MORE ABOUT THE CASE





Cancer patients struggled to access benefits during the pandemic, openJustice reveals

An investigation by openJustice for the Unlawful State series found that the DWP's suspension of face-to-face assessments during the pandemic meant that many people with long-term or terminal illnesses were being wrongfully assessed and refused benefits they are entitled to, with some losing £336 a month and others left destitute. Asked to comment, the DWP defended its decision.

READ THE STORY



Community-based review of Prevent considered following controversial appointment: Rights and Security International

The appointment of William Shawcross, the Independent Reviewer of 'Prevent', the government's counter-extremism strategy, **has been controversial**, with many civil liberties and human rights organisations raising concerns about whether the review will respond adequately to Prevent policies that have a disparate impact

on Muslim communities and other minority groups.

RSI is working with other civil society organisations to explore the possibility of an additional, community-based process to gather evidence about Prevent and review its impact on rights. In close partnership with other groups, they have been developing a model for such an additional review and contributing to a consensus-building process.

FIND OUT MORE



Birthrights call for evidence for inquiry into racial injustice in maternity services

As part of its national inquiry Birthrights is gathering evidence in the form of women and birthing peoples' experiences of maternity care in the UK. They want to hear from:

- Black, Brown and Mixed ethnicity women and birthing people about the care they received
- Health care professionals working within the maternity services

They also welcome written submissions from other experts in this field, including existing published and unpublished evidence (both qualitative and quantitative) which address **key lines of inquiry**.

MORE INFO



Opportunities

CPAG are hiring! Welfare Rights Adviser for new Domestic Abuse Project

Child Poverty Action Group are looking for a Welfare Rights Adviser to deliver their new one-year Survive and Thrive project funded by Barclays Bank which will ensure that women and children experiencing domestic abuse have high quality advice on claiming social security benefits and tax credits.

Deadline: **Friday 26 March.**

[MORE ABOUT THIS OPPORTUNITY](#)



Training and resources



Training for campaigners: using the legal system to achieve change

The Sheila McKechnie Foundation are running **two sessions for campaigners who are interested in making more use of legal tools** in their work – on 21 April and 21 October.

SMK also have a **Law Resource Centre** aimed at campaigners on their website with some useful info.

REGISTER HERE



New online training for people working with survivors of trafficking and slavery: ATLEU

ATLEU are offering two overview courses for legal advisors on modern slavery law and immigration.

- 14 April 2.30pm: **an overview of modern slavery law and process for support providers**
- 21 April 2.30pm: **an immigration overview for legal advisors**

The courses for support providers and other professionals combine introductory sessions to give you an overview of the key issues, with in-depth sessions covering areas such as compensation, support, legal challenges and medical evidence. Prices start at £25 per session, per person.

More advice on working with survivors can be found on ATHUB and if you make or receive referrals for survivors of trafficking, please join ATLEU's new referrals system.

BOOK HERE





New resources from Child Poverty Action Group

Financial Help for Families Handbook – free thanks to the Community Justice Fund

This is for you if you work with families and want to help maximise their income or deal with a benefit problem. It covers all the main social security benefits, as well as other important financial support for children, such as child maintenance and help with childcare and school costs.

Welfare Benefits And Tax Credits Handbook

Written for claimants and their advisors, CPAG's annually updated Welfare and Benefits and Tax Credits Handbook is the definitive guide to the UK's social security system. **You can pre-order it here.**

Benefits for Migrants Handbook

Following the end of the post-Brexit transition period on 31st December 2020 new rules take effect from 1st January 2021, which will significantly change the benefit entitlements of migrants. The new edition of our Benefits for Migrants Handbook is timed to ensure advisers get the latest information on these changes.



And finally, we've just published our Report on Activities for 2020

Take a look at our **2020 Report on Activities** for an overview of the Strengthening Civil Society programme's activities in 2020 by our Programmes Officer Jannat Hossain and an interview with one of the grant-holders in our COVID-19 Legal Action Fund, Joeli Brearley from Pregnant then Screwed.

READ THE REPORT



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Charity No: 258583 Company No: 950696

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