

RCJ Advice Bureau

**Annual Report
2004-2005**

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Our Mission

To provide access to justice to un-represented litigants and potential litigants in the Royal Courts of Justice and the Principal Registry of the Family Division, through the provision of legal and other advice services.

Strategic Aims

- ❖ To ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them through their inability to express their needs effectively;
- ❖ To develop an effective and efficient service through partnership working with the Voluntary sector, pro bono providers, court services, government bodies and funders;
- ❖ To exercise a responsible influence on the development of social policies and services, both locally and nationally.

The CAB service is independent and provides free, confidential and impartial advice to everyone regardless of race, gender, sexuality or disability.

Chair's Report

I am very pleased to have served a second year as Chair of the RCJ Advice Bureau. As is always the case in the voluntary sector we have faced challenges over the last year, namely some significant staff changes and uncertainty about the future of the Miscarriage of Justice Project. The Bureau staff, volunteers and Trustees have risen to these challenges and continued to provide a high quality and much needed service for the public.

In August 2004, Amarjit Kaur the Deputy Director left to take up an appointment as director of a national charity, and in March 2005 we said goodbye to Joy Julien, who had been the Bureau Director since 1997. We did this with a party generously hosted by Allen & Overy. In the light of these major changes, the Bureau decided to take stock of the service that it provides, including the management structure and service delivery. In this we have been greatly assisted by Adetokunbo Okeniyi the Acting Director and Sally Causer who has been working with the Bureau on a consultancy basis. We have already embarked on the management changes and we expect to make a permanent appointment to the position of Bureau Director very shortly.

I am particularly pleased to report that the Home Office has recognised the vital work of the Miscarriage of Justice Project and has awarded us a three year contract to carry on this vital work, which assists victims of miscarriages of justice to resettle in the community.

Resources are always a challenge for the voluntary sector and in response to the need to look strategically at funding issues, we have transformed our Fundraising Committee into the Resource Development Sub Committee. Its principal tasks are to oversee development and implementation of the Bureau's Business and Development Plan, in conjunction with the Employment and Finance Sub Committee, to ensure that the Bureau has adequate resources and to develop a funding and resource strategy for the Bureau and oversee its implementation.

The Fundraising Committee has, however, departed in a blaze of glory, as the Bureau has been given an award by Citizens Advice for the best Bureau fundraising activity, namely the Opera, Don Giovanni, which was held in July 2004. In fact, thanks to the generosity of personal and business friends and associates, the Bureau raised almost £100,000 in the last financial year; however, it would be unrealistic to expect that we will be able to achieve such a result on a regular basis.

Providing a high quality advice service can only be achieved by a great team effort and I would like to thank our dedicated staff, volunteers, and all those involved in managing the Bureau for their enthusiasm and commitment.

I am proud to be part of such a team and look forward to the coming year as we consolidate our achievements and develop the service further.

The Rt Hon Lord Justice Mummery

Bureau Director's Report

My role as Acting Director has involved great personal challenges for me. I have worked with the Trustees and other members of the staff team to take stock of our strengths and successes, and worked towards re-evaluating our service for the future. This has been a useful process and is still ongoing.

Personnel

Following the period of staff changes, we now have three solicitors in post at the RCJ site. In the last year we have welcomed Anne Colquhoun and Virginia Fu, whilst saying a sad farewell to Alex Mercouris. We have appointed a senior solicitor.

We have also employed an Operations Manager, Cathy Kane. This is a new position in the Bureau and will help to strengthen the infrastructure, particularly in the area of premises management and overseeing the development of IT. Our debt work continues and has been the one constant in a year of change and development.

Miscarriage of Justice Service

The award of the MOJ contract by the Home Office has been a great step forward for the Bureau. I would like to thank the members of the advisory group, chaired by Dame Ruth Runciman, for their support during a period of uncertainty. The service can now raise its profile with agencies such as the Criminal Complaints Review Commission, solicitors representing victims of miscarriages of justice and Prison Governors.

Honorary Legal Advisers

We continue to work in partnership with the many law firms who support the Bureau, both on the Trustee Board and with the extensive Honorary Legal Adviser scheme, which provides literally hundreds of advice sessions each year. We have also made full use of the voluntary services of law students from the College of Law, who provide invaluable support in reviewing files and carrying out legal research.

I would like to thank all the firms and volunteers who participate and, in particular, Christine Howard who has the difficult task of co-ordinating the law firm rota. I would also like to thank Kathryn Ludlow for her help in improving the induction and support that the Bureau provides to volunteers.

Volunteers

This year saw the appointment of a volunteer co-ordinator, Nonhlanhla Segwai. The contribution of volunteers has meant that we can provide additional advice in areas such as consumer, housing and debt at the First Avenue House site.

We are delighted that two of our volunteers were highly commended in the 2005 Citizens Advice Volunteer of the Year Awards in the category of Social Policy and Young Volunteer of the Year (under 25).

And finally, I would like to thank the members of the Director's Group, Nick Atkins, John Hine, Bob Nightingale, Jonathan Rushworth, and Mona Vaswani, our consultant, Sally Causer and Florence Campbell for all the help and support that they have provided me over the last few months.

Adetokunbo Okeniyi
Acting Bureau Director

Legal Advice

Our three solicitors, supported by the HLAs, having continued with their work in assisting the never ending stream of clients, who come to see us at our offices in the RCJ and First Avenue House, where volunteer advisers assist in family law matters. We would like to pay specialist tribute to the work of our receptionists, who do so much more than receive clients and without whom we would be lost.

Over the last year, the Bureau has noticed an increasing trend for solicitors to issue proceedings against their former clients where there is a genuine dispute on costs. One of the services that the Bureau is now able to offer is the skills and expertise of costs draughtsman from City law firms to assist in resolving problems in this difficult area.

Case Study

The client had been presented with an extremely and unexpectedly high costs bill for work in relation to divorce proceedings. The bill was not itemised and was greatly in excess of the initial estimate, which had never been revised... The solicitor had sent the bill to the client's previous address, which had been the matrimonial home. This was notwithstanding that, as part of the divorce settlement, the client had given up possession to her former husband, who forwarded the account to her.

She wrote to the solicitor to express her concern at the amount that had been billed and paid half. The solicitor ignored the letter and issued proceedings, which were served at the old address. When, not surprisingly as the client had not seen the Claim Form, judgment was entered in default of defence, the solicitor's next move was to threaten bankruptcy and this time, the client did receive the letter.

The Bureau helped the client make an immediate application to set aside the judgment on the basis of non-service and failure to provide a full breakdown of the costs, when the amount was challenged. The Court accepted the client's application and ordered that there should be a detailed assessment of the bill, leaving the solicitor to bear all the costs incurred so far. The client was assisted throughout by a costs draughtsman, who has now has prepared Points of Dispute in relation to the bill. Significant reductions from the amount originally charged are confidently expected and, if a settlement cannot be achieved before the assessment hearing, the costs draughtsman will attend to represent the client. The Bureau also continues to deal cases of hardship, where we can really make a difference.

Case Study

Client aged 75 attended for general advice, having been entirely without hot water or heating in her Council accommodation for over two years. Not surprisingly in view of her age, the lack of essential amenities had caused significant health problems and a real risk of more serious harm. The Council had admitted in writing that it was at fault in failing to make the repairs for such a long time, but, having fixed the system, it failed to recognise that the client was entitled to compensation.

Bureau staff drafted a schedule of the client's losses, and invited the Council to make an offer of compensation. No offer was forthcoming and the Bureau contacted the client's MP who kindly agreed to apply pressure on the Council. Again there was no response. The Bureau then wrote a forceful letter and, when that failed it instructed counsel to draft Particulars of Claim on a pro bono basis and arranged for one of the smaller firms on our panel, Percy Short & Cuthbert, to act for the client on a pro bono basis. The claim has still not been resolved, but we are told that at last good progress is being made. It is disappointing to note that a local authority, which owned up in writing to its negligence/breach of duty in failing to make repairs, is nevertheless content to force one of its elderly tenants to pursue a legal case, rather than to resolve the claim on a reasonable basis and without undue delay.

Miscarriages of Justice Service

The Royal Courts of Justice Citizens Advice Bureau runs a free and confidential advice and support service for people whose cases are referred to the appeal courts by the Criminal Cases Review Commission.

The Service provides its clients with support from before release and afterwards ongoing advice and assistance is on hand to assist with resettlement, covering issues such as income provision, accommodation, finance, finding a solicitor to deal with compensation claims and access to appropriate psychiatric/psychological support. The Service is overseen by an advisory group, which is chaired by Dame Ruth Runciman and includes forensic psychiatrists and a solicitor specialising in assisting victims of miscarriages of justice.

As reported elsewhere, following a successful pilot project, the Service has recently been awarded a three year contract by the Home Office to continue the valuable work.

Case Studies

Psychiatric Support

The client was reluctant to see a psychiatrist due to his experience with counsellors in prison, whom he found totally unhelpful. When the Project referred him to a psychiatrist for an initial assessment, he found it very useful, as it allowed him to understand his feelings and be given tools to cope with those feelings in the future. The client was then referred to a local NHS counsellor, whom he saw every fortnight for a year. The counsellor has now told him he no longer requires assistance. The client has given positive feedback about the counselling and feels it has helped him tremendously.

Welfare Benefits

The client had his conviction quashed after nine years in prison. When released he needed to claim benefits on the grounds that he was incapable of working. In order for the client to claim he needed to produce proof of his incapacity form by means of a medical certificate from his doctor.

Unfortunately the client had no form of ID and the medical centres in his area, possibly as a result of the fact that the client's first language was not English, were reluctant to accept him as a new patient. The Bureau contacted a number of medical centres on his behalf and eventually managed to find one willing to register the client without proof of ID. The client was then able to get the necessary certificate from his GP to enable him to obtain benefits.

Bankruptcy Project

We were fortunate to obtain one year's funding from the Law Society Charity, the Tudor Trust and EDF to pilot what we consider to be a very valuable service. The aim of the Project is to help clients to tackle the poverty and social exclusion that can be caused by bankruptcy and to educate the public in legal matters relating to debt and bankruptcy. This is done by advising clients on their statutory rights and responsibilities in relation to bankruptcy, negotiating with third parties and assisting in the drafting of the necessary documentation.

A specialist bankruptcy adviser, with assistance from an experienced generalist volunteer, provides a Court Desk service in the Bankruptcy Court for two sessions per week and clients are seen in the Bureau on other days.

Whilst the Project has concentrated on giving advice to clients and liaising with the Bankruptcy Court, it has also dealt with referrals for advice from other CABx and a consultancy service is provided on an ad hoc basis to meet the demands of other CABx for specialist information.

Assuming that we will be able to obtain further funding, one of our ambitions is to develop this aspect of our work and provide a formal consultancy service in due course. Since the Project started in November 2004, it has assisted over 140 clients who had debts totalling almost £5 million.

Case Study

In November 2004, the client received a statutory demand for business rent arrears. The client owned his own home and did not want to be forced into bankruptcy, and, prior to approaching the Bureau, the client had taken advice on re-mortgaging his property in order to raise money to pay off the debt to his landlord and other personal debts. This would have merely replaced one debt for another, put his home directly at risk and incurred legal and other costs.

The Bureau assisted the client to negotiate with the landlords' solicitors, resulting in his being relieved of further liability under the lease as the landlords accepted a surrender (the client having decided to give up his business), payment of a manageable lump sum on account of the arrears, with the balance to be paid interest free over three years and, with employment in prospect, the client should be able to manage the remainder of his debts. The landlord eventually agreed to release the client from the business lease, as the client.

The Project has seen a significant number of clients who have been petitioned for bankruptcy by their local authority for Council Tax arrears. This area of work accounted for 20% of the caseload in the first 9 months of the pilot. In most cases, clients own their own homes, having bought them from their local authority under the 'right to buy' scheme. Because clients are given a discount off market value, based on the number of years that they have tenanted the property, it means that there is always equity in the property, so that the local authority will always recover the tax due through the bankruptcy process. Before a tenant is entitled to buy, the local authority requires that there should be no rent arrears; however, it is not a requirement that Council Tax should also be up-to-date monies. Several clients have told us that they cleared their rent arrears in order to buy their homes, but had not realised the significance of clearing the Tax arrears as well.

Below is an example of such a case

The client was served with a Statutory Demand for council tax arrears in excess of £4,000. The client's wife contacted the local authority, which advised that the client would need to make a lump sum payment of £2,415 and then pay £345 per month until the arrears were cleared. The client had bought his ex-local authority home two months before the demand, having found the money to clear his rent arrears of £4,000. Not surprisingly, he was unable to raise the further large sum that the local authority required. He asked the Bureau to help him to negotiate an affordable payment arrangement and avoid bankruptcy proceedings.

The Bureau contacted the local authority, which initially said they wanted the arrears paid by the end of the financial year or it would proceed to bankruptcy. However, it eventually agreed to an instalment payment of £350 per month to clear the arrears, which the client was able to manage.

Volunteers

Thanks to three year funding (from the Big Lottery Fund), our Volunteer Co-ordinator, Nonhlanhla Segwai, who was appointed in November 2004, has made a dramatic difference to volunteer support.

We were fortunate in being able to appoint a small number of experienced volunteer advisers to get us started, but the more significant development has been the in house training programmes that the Bureau has run over the last 12 months.

It normally takes 12 to 18 months to train a generalist volunteer to a standard at which they can advise, as trainee advisers under supervision. We recruited volunteers who were prepared to attend the Bureau three or four days a week and Nonhlanhla developed a fast track training programme, combining lectures and seminars, work book study, visits and practical experience, which lasted six months. Our first students graduated as trainee advisers in June 2005 and another group are in the middle of their programme.

Each of our trainee and other volunteer advisers now attend the Bureau on average twice a week to give advice. It is through their work that we have been able to maintain our generalist advice service, thereby enabling us to provide a holistic service to clients who initially come to us for more specialist advice. Equally, our advisers can themselves refer clients on to our specialist areas when required.

Case Study

An elderly, retired lady attended the Bureau for assistance regarding a conditional sale contract to buy a sofa. The day after she had "bought" it, she changed her mind, believing that she had been (pr) alleging she had been pressurised into buying something that she did not really want. She had therefore gone back to the shop, where she cancelled the agreement verbally and in writing. However, the shop would not accept her actions and demanded that she paid the outstanding balance of the purchase price in full.

The Bureau wrote on the client's behalf to draw attention to the provisions of the Consumer Credit Act, which did not seem to have been applied by the shop before entering into the agreement, in particular, no attempt had apparently been made to draw the client's attention to the terms of the arrangement. Initially the manager would only cancel the agreement on payment of a large administration fee, despite the fact that the sofa had not been delivered, but eventually, as a result of the Bureau's persuasion, he agreed to waive all charges.

It was clear that our client had not received clear information about her cancellation rights, neither did she realise she had to pay a large administration fee even if she cancelled the next day. Without intervention from the Bureau, it is unlikely that she would have been made aware of her rights and the shop's obligations. Our client left happy!

As well as advisers, we have also been successful in recruiting volunteer staff to help with the running of the Bureau. This is essential work to keep the operation going and we are delighted by the contribution that they are making.

And last, but not least, we should say thank you to our JobWise volunteers, who have joined us courtesy of the Department of Work and Pensions. They help us with some office tasks and in return we hope that they are given an introduction to employment at the beginning of their careers.

Volunteers' Perspective

Comments by Volunteers on working in the Bureau.

I have been a volunteer at the bureau since February 2005 and have really enjoyed the experience. I have gained many things from the experience among which are:

- An insight into different areas of law such as housing, debt, benefits, employment, immigration, bankruptcy, probate etc., through studying the training packs, doing presentations, having specialist lectures at solicitors firms and advising under supervision on these issues.
- An insight into problems faced by clients and social policy issues
- An opportunity to meet new people from different backgrounds and cultures.
- Developing strong listening skills and learning to make clients feel at ease.
- Developing the ability to communicate with different clients at different levels and convey legal information in layman's terms.
- Learning to assist, inform, advice clients with their issues and write accurate and comprehensive case records and letters according to CAB standards.
- Learning to support clients through negotiation with local authorities, financial institutions as well as other private and public bodies.
- Gaining excellent people skills and learnt to be more adaptable.

The CAB attracts clients from a wide variety of ethnic, socio-economic backgrounds with sharply diverging views on life. I have found that volunteering at the CAB has opened my eyes to the complexity of modern life and also as to how government policies affect 'the man in the street'.

As a qualified solicitor I have found that volunteering at the CAB has given me experience of a wide variety of legal issues and has also afforded me experience of new areas in which I had not practised before such as bankruptcy.

I have found the advisory work with clients very rewarding as it is very satisfying if a client arrives at the Bureau in a state of emotional distress and bewilderment and leaves in a calm frame of mind with a clear idea that there is a solution to their problems.

The complexity of the problems, which the clients present, is intellectually challenging and I enjoy working with my colleagues in a supportive environment.

The CAB has improved my awareness of equality and diversity issues. The CAB training and advising has also reminded me of the need to look out for 'hidden' issues which lie behind a problem presented by a client.

Maria McCann

Statistics of Service Take-up

The Bureau maintains statistical records detailing service take-up. The statistics are analysed in terms of the numbers of clients seen, borough of origin and the nature of the enquiries.

Client Contact	Total	9,751
Personal		5,708
Telephone		1,687
		2,356

Breakdown of Enquiries

Benefits	1,176
Other	616
Tax	75
Total	10,033
Consumer	521
Family	976
Employment	163
Legal	5,910
Housing	520
Immigration	45

Clients see by Honorary Legal Advisers Total 2,347

User Feedback

“Thank you for doing so much. I cannot express my gratitude. I hope you will forgive me for not thanking you sooner.”

“I must confess I was despairing of ever feeling confident with solicitors again but CAB showed me that there are still decent idealistic people in the legal profession”.

“My problems were dealt with so well that I will remain grateful to my adviser”.

Treasurer's Report

The work of the Bureau continues to expand and the rising number of clients continues to put a strain on the resources of the Bureau. Although we have ended the financial year with a substantial surplus as a result of the great fund raising efforts during the year, core funding for operational costs, which cannot be assigned to a particular project, is, in particular, hard to come by. As a result, we have already had to dip into the reserves that we have been able to build up through our fund raising efforts in the current year.

We are very appreciative of all the funders who have supported us in the last year, both in respect of core funding and for our project work.

During the year, the trustees of the RCJ Charitable Trust, which has supported the Bureau's work for many years decided to wind up its activities and to transfer the remaining balance into our own reserves. We very much appreciate their assistance and wish to thank the trustees, led by the Rt Hon Sir Andrew Longmore, for their work.

Our remaining funders have continued their support in 2005/2006 and we hope that many will continue to do so for the foreseeable future.

The Bureau's accounts have been audited and approved for the year 1 April 2004 to 31 March 2005.

Statement of Financial Activities for the year ended 31st March 2005

Incoming Resources	Total 2005 £	Total 2004 £
Grants	546,065	430,937
Donations	96,259	28,659
Gross deposit interest	3,809	1,046
Other Income	771	520
Total incoming resources	646,904	461,162
Resources Expended		
Direct charitable expenditure	404,620	439,620
Operating expenses	58,475	39,250
Total resources expended	462,928	478,870
Net incoming resources for the year	183,976	17,708
Fund balances brought forward	63,358	81,066
Fund balances carried forward	247,337	63,358

Management Committee

The Rt. Hon. Lord Justice Mummery - Chair
Jonathan Rushworth - Deputy Chair
Nick Atkins
Alan Carpenter (appointed 5 May 2004)
Florence Campbell (appointed 9 March 2005)
Vicki Chapman (appointed 5 May 2004)
Louise Coubrough
Neil Golding (resigned 14 January 2005)
John Hine
Graham Huntley
Robin Knowles QC
Kathryn Ludlow (appointed 5 May 2004)
David Mackie QC CBE
Bob Nightingale MBE
Kevin Perry
Michael Smyth
Fiona Turner (resigned 11 March 2005)
Mona Vaswani
Peter Williamson

Employment & Finance Sub-Committee

Nick Atkins - Chair
Florence Campbell
Alan Carpenter
Alex Carruthers
Louise Coubrough
Mark Elvy
Paula Hodges
Kevin Perry

Service Delivery Sub-Committee

Mona Vaswani - Chair
Michael Barnett
Valerie Davies
Laura Franklin
John Hine
Kathryn Ludlow
Maggie Rae
Ann Robson
David Smythe
Paul Thwaite

Resource Development Sub-Committee

John Hine - Chair
Florence Campbell
Alan Carpenter
Vicki Chapman
Laura Franklin
Robert Gill
Robin Knowles QC

Miscarriages of Justice Advisory Group

Dame Ruth Runciman DBE
Marolyn Burgess (Citizens Advice)
Dr Adrian Grounds
John Hine
Susie Labinjoh
Dr James MacKeith (Royal Maudsley Hospital)
Councillor Sally Mulready (LB Hackney)

Acknowledgements

We would like to thank the following who have donated their precious time to the Bureau during

Civil Litigation

Allen & Overy LLP
Anderson & Co
Ashurst
Baker & McKenzie
Barlow Lyde & Gilbert
Clifford Chance LLP
Clyde & Co
Coolwaladers
Davies Arnold Cooper
Dechert
Denton Wilde Sapte
Kendall Freeman
DLA
Freshfields Bruckhaus Deringer
Herbert Smith
Irvin Mitchell
Kennedys Solicitors
Kingsley Napley
Linklaters & Alliance LLP
Lovells
Marclay Murray & Spens
Mayer, Brown, Rowe & Maw
Norton Rose
Percy Short & Cuthbert
S J Berwin
Slaughter and May
Stephenson Harwood
Weil, Gotshal & Manges
White & Case

Family Law

Brachers
Campbell Hooper
Charles Russell
Child & Child
Clintons
Collyer-Bristow
Creighton & Partners
Davenport Lyons
Dawsons Solicitors
Evans, Butler and Wade
Family Law in Partnership
Farrer & Co
Gordon Dadds
Harters
Healys Solicitors
Hughes, Fowler & Carruthers
Hunters Solicitors

Judge & Priestley
Kingsley Napley
Lass Salt Garvin
Manches & Co
Michael Fisher Solicitors
Venters
William Sturges
Withers
WPF Glasner Gerber Shapiro
Wright Son & Pepper
YVA

We would also like to express our gratitude to the following funders for their financial support:

The Big Lottery Fund
Citizens Advice Bureau
EDF Trust
Home Office
Law Society Charitable Trust
Legal Services Commission
RCJ Charitable Trust
Tudor Trust

As well as all our individual donors.