



# ***RCJ Advice Bureau***

**Annual Report 2006-2007**

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

**Our Aims:**

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

**Our Values:** The Advice Bureau is independent and provides free, confidential and impartial advice to everyone regardless of race, gender, sexuality or disability.

## Chair's Report

As Chair of the Bureau I am proud to introduce this Annual Report, highlighting the many achievements of the organisation over the 2006/07 year in ensuring our clients are given access to justice.

The Bureau is unique in providing access to a wide range of specialist, high quality, and distinctive advice services. Together, as the pages of this report show, the Bureau team advise and support thousands of clients to achieve positive outcomes, with demand for our services continuing to grow. To enable us to continue this invaluable work we are grateful for the support of the Bureau's main funders, whose commitment to us provides the platform from which our services can develop to best meet the needs of our clients.

The continued support of our principal funder, the Legal Services Commission, has enabled the Bureau to lever in significant additional resources, both financial and in-kind, which has seen us deliver an increased number of advice sessions this year. The Ministry of Justice (formerly the Home Office) contract for our Miscarriages of Justice Support Service has allowed us to support over 100 victims of miscarriages of justice to in their resettlement following release. The expansion of the Bureau's volunteer advice team, thanks to Big Lottery Fund and Citizens Advice support, has brought new partnerships for the Bureau, and I am delighted that students from the College of Law are demonstrating an early commitment to pro bono by advising with us. I am also pleased to report that the Bureau has been a founding member of the Capitalise partnership, bringing new funding to support our debt and bankruptcy advice services through the government's Financial Inclusion Fund.

The Bureau remains active in securing additional resources to enable us to pilot innovative work in response to client need. To ensure the Bureau is in a position to respond effectively to changing circumstances we are indebted to the support of colleagues within the legal community – both in donations from some of the firms who support our work and in the sponsorship raised by the hundreds of solicitors, judges and barristers who participated in the London Legal Walk in May 2006. The pro bono support of the legal community also enables the Bureau to constantly evolve and enhance the service it can provide for clients, with the pages of this report highlighting the importance of the pro bono movement to the work of the Bureau. On behalf of the Bureau may I record our gratitude for the many and varied acts of support we have received from the legal community this year.

As Chair I am strongly supportive of the work undertaken by my fellow Trustees and members of the Bureau's Senior Management Team in strengthening the governance of the organisation. This year we have approved terms of reference for the Board's sub-committees, introduced an induction programme for new Trustees, and conducted a skills audit to guide our Board development plans. We have welcomed two new Trustees this year, Ali Sallaway and Marlene Ryder, who both bring experience and skills to strengthen our Board. We have also said a fond farewell to two retiring Trustees, Peter Williamson and Alan Carpenter, who greatly assisted the organisation throughout their time on the Board.

May I take this opportunity to convey my thanks to my colleagues on the Board, our sub-committees and advisory groups for their commitment of time and energy to the Bureau this year, and also to the staff, volunteers and HLAs who continue to impress with the dedication and passion they show in their work.

## **The Rt. Hon Lord Justice Mummery**

### **Director's Report**

I am delighted to present the Bureau's report for the 2006/07 year, which saw considerable developments and achievements across the organisation. This report provides a flavour of these activities, which are then covered in more depth in the following pages.

#### **Meeting our demand**

Over the course of the year the Bureau recorded 10,441 client contacts, a rise of nearly 1,000 on the previous year, reflecting the growing demand the Bureau experiences for its high quality advice services.

#### **Key Statistics**

<b>CLIENT CONTACTS</b>
Personal 3,599
Letter 3,871
Phone 2,971
Total 10,441

<b>ADVICE GIVEN</b>
Health 3%
Consumer 4%
Employment 4%
Benefits 6%
Family 12%
Housing 14%
Legal 26%
Debt 27%
Other 4%

Debt became the Bureau's biggest enquiry area for the first time, representing 27% of the cases we advised on in the year. This increased demand saw the Bureau advising clients with a combined debt of over £7,000,000, a challenge we were able to rise to thanks to our involvement with Capitalise, London's leading debt advice partnership, more information on which can be found at page 14.

Our core enquiry areas also continue to dominate the statistics, demonstrating a consistently high level of need for advice on legal (26%), housing (14%) and family (12%) matters. Across these areas of demand the Bureau is grateful for the pro bono commitment of Honorary Legal Advisers (HLAs) from the 55 firms who support our work, who together advised nearly 2,000 clients over the year. More information on our legal advice services can be found at page 9.

### **Supporting our clients**

The Bureau successfully passed the rigorous Citizens Advice quality audit, which examines both the advice given to clients and the management and governance of the charity. Achieving the maximum available recommendation of a further three years membership of the national association and a further year of the General Help quality mark reflects the consistently high quality work undertaken at all levels of the Bureau in meeting our clients' needs.

Ensuring potential clients are made aware of our services as early as possible remains critical to the success of the advice process. This year saw the Bureau launch its first dedicated website, hosting key information for clients about the services offered and how to access advice from the Bureau. Our web pages have received considerable traffic, with work already underway to extend and enhance the site for publication in early 2008.

Increasing access to our services was a key theme of the year, with two significant developments aiding us in achieving this. Firstly, at our offices on the Strand, an appointments system was introduced following feedback from clients, partners and staff – increasing access for clients with disabilities, longer distances to travel, and those with responsibilities that made it difficult for them to get advice under the previous open-door policy. Secondly, funding was secured to build new interview rooms at our High Holborn office, boosting the space available to advisers by 50% and ensuring our interview rooms meet best practice in disability access requirements.

Our social policy work, using the experiences of our clients to campaign and lobby for change, has increased over the year, strengthening the positive impact we are able to achieve for our clients and the communities we support. A new social policy team was formed within the Bureau, bringing together colleagues from all the diverse areas of advice we provide. This has enabled us to respond quickly and effectively to issues affecting our client groups, including gaining extensive media coverage of our work with victims of miscarriages of justice in both national newspapers and BBC News online.

### **Developing our partnerships**

Working in partnership enables the Bureau to enhance the services we are able to offer to clients through increased promotion, referral and expertise sharing. Our relationship with Her Majesty's Courts Service remains strong, with a new initiative this year to increase awareness of our service amongst front-line staff in the Courts, through our participation in the group induction programme for new staff. This enables early referrals to be made to the Bureau, increasing the effectiveness of the advice process. In addition, we have strengthened our

profile with agencies in the voluntary sector, to further enhance the referral networks available to potential clients – this has included presentations and workshops for diverse audiences, including the volunteer team at the Personal Support Unit (PSU).

The pro bono commitment of lawyers from our 55 partner law firms is critical to the delivery of our service, as can be seen from the statistics above. Through the design and delivery of a tailored HLA induction training session, we have worked to strengthen the role of HLAs within the service, reinforcing their knowledge and experience to further increase the effectiveness of our advice. This training session has been piloted at five of our partner law firms and enhanced based on this experience, with further dates booked for the roll-out of the training to other firms in the coming year.

Close working with the Bar Pro Bono Unit, the PSU and the Civil Appeals Office led to the establishment of the “Court of Appeal Scheme” this year – ensuring litigants in person who are given permission to appeal are fast-tracked for advice from the Bureau and representation from the Unit. The strength of the pro bono partnership between the Bureau and the Bar was further in evidence with the launch of the new Personal Insolvency Litigation Advice and Representation Scheme (PILARS) in June 2006, with our bankruptcy advisers working closely with Sharif Shivji and volunteers barristers from eight leading civil sets. PILARS provides pro bono representation in personal insolvency cases, with the pilot year focussing exclusively on clients referred by our Bureau. We were delighted that Sharif’s contribution was recognised with a special mention at the Bar Pro Bono Awards, and look forward to continuing this partnership in the coming years.

### **Sharing our talents**

The diversity of expertise and experience within the Bureau team enabled us to contribute to a number of new initiatives over the year, increasing our work with other organisations across the advice sector as well as strengthening the provision of services to our clients.

The Bureau secured a contract to pilot the delivery of training on behalf of Her Majesty’s Revenue and Customs (HMRC). Building on our links with organisations working with diverse communities, the Bureau delivered training to front-line staff who support older members of London’s Black and Minority Ethnic (BME) communities. This training covered basic tax issues, pensions and how to make effective referrals for their clients to specialist advice providers. This training reached 14 organisations directly and, through them, many hundreds of individuals affected by these issues, with 71% of participants evaluating the training as excellent.

As outlined in the statistics above, with the increase in debt queries and the expansion of the Bureau’s debt advice team, we have committed ourselves to developing financial capability services to ensure clients are able to positively move forward with their lives after resolving their debt problems. We secured funding to pilot financial skills training to 50 individuals, as well as staff members in 10 of our partner agencies. The training covers issues as diverse as

budgeting and understanding interest rates, tailored to the needs of the individual participants. We look forward to developing this work in the coming year.

The Bureau's experience in debt cases, together with our achievement of the Specialist Quality Mark (SQM) in Debt, enables us to deliver training and support to other professionals in the advice sector to enhance the network of provision for clients. Working in partnership with Islington Law Centre, we delivered training and support to a member of their staff on placement with us to enable them to achieve the SQM in Debt.

### **Strengthening our team**

At the core of all our work is the Bureau team – our staff, volunteers, HLAs and Trustees – and we have worked hard to strengthen the team over the year. By developing our team we recognise that we will be able to increase access to our services, maintain a consistently high quality experience for our clients, and ensure the talents and skills of the team are fully utilised in the development and growth of the organisation.

Through our partnership with the College of Law we have recruited and trained 12 new volunteer advisers and 14 advice assessment volunteers from the law student community, boosting the general advice service we offer at our High Holborn office and the efficiency of our client reception service at our Strand office. The student volunteers receive accredited training from the Bureau, with the opportunity to put their legal skills to practise in interviewing and advising our clients across the full spectrum of social welfare law issues. In addition, a member of the Bureau's volunteer team sits on the College of Law's Advisory Group for pro bono activities in London, contributing to the ongoing development of this partnership.

With the increasing number of debt queries the Bureau deals with we were delighted to be part of Capitalise, London's debt advice partnership, bringing together a strong network of advice and social welfare organisations across the capital. The increase in funding the Bureau has secured through Capitalise enabled us to expand our bankruptcy advice team from 1 to 2.5 full-time-equivalent staff over the year, helping to meet the demand in this area of our work. We look forward to continuing to work with Capitalise in the coming year, with more information on page 14 of this report.

An emphasis on the personal and professional development of the staff and volunteer team saw the Bureau develop a clear training plan for the organisation, strengthen our support and appraisal structures, together with organising team development days to encourage skill sharing and understanding between all parts of the organisation. This work included a community activity day, with the team painting the communal areas of the homeless shelter in Richmond operated by the charity SPEAR, strengthening our team whilst also supporting one of the vulnerable communities who the Bureau advises. This dedication to staff and volunteer development has been further emphasised in our new Strategic Plan, with the Bureau committing itself to the achievement of the Investors in People standard.

## **Planning for the future**

Building on the achievements of 2006/07 we held a Planning Away Day in early 2007, bringing together staff volunteers and Trustees to contribute to the development of the Bureau's new five-year Strategic Plan. The Plan covers the period 2007 to 2012, considering the current and anticipated advice needs of our clients and how best the organisation can develop to meet these needs.

Over the coming five years the Bureau has identified three key objectives which drive all our planned activities:

- Improving access
- Increasing participation
- Maximising impact.

Key performance indicators have been identified in all activity areas, which will be reported against in future annual reports.

Finally, may I extend my thanks to everyone who has contributed to the Bureau's success over the year: our funders; our partners; the Trustees and committee members; and the staff, volunteers and HLAs whose achievements are recorded in these pages. I look forward to reporting on further successes in our next annual report.

**James Banks**  
**Bureau Director**

## Services Reports

### Legal Advice

Thanks to funding from the Legal Services Commission, the Bureau's three employed Duty Solicitors are able to provide a strong foundation for the legal advice given at our Royal Courts of Justice office, as well as leveraging in significant additional resources from the legal community on a pro bono basis. Thanks to the firms involved in the Bureau's HLA scheme, 29 dealing with civil litigation and 26 with family cases, an additional 1,987 advice sessions were available to clients over the year. The HLA scheme is enhanced by a number of firms also providing access to the free services of costs draftsman and document bundling for cases in the Court of Appeal.

With continued high demand for our legal advice services, the Bureau introduced a new appointments system at our Royal Courts of Justice office. Based on feedback from clients and advisers, the new system provides greater flexibility through the advance booking of appointments, increasing access for people with disabilities, caring responsibilities and longer distances to travel to our offices, with a complementary drop-in service for clients with more urgent cases.

Demand for our family legal advice services has grown over the year at our offices in the Principal Registry of the Family Division. Provided entirely by pro bono solicitors and with the support of LawWorks, the service currently operates three days a week, with the Bureau committed to identifying funding to expand capacity in this area to increase the number of clients we are able to support.

Building on our strong relationships with the Bar Pro Bono Unit we have developed the "Court of Appeal Scheme", providing a fast-track service for litigants in person given permission to appeal. This provides access to the Bureau's high quality legal advice services and onward referral to the Bar Pro Bono Unit for representation. We are keen to develop this initiative further in the coming year and are grateful for the support of the Civil Appeals office and PSU in promoting the scheme to potential clients.

#### Case Study One

Clients are small businessmen who run a franchise of a dog walking company. Throughout the course of the franchise, it became apparent that the franchisor was not providing the support, training or equipment as per the franchise agreement. Although the clients' customers were very happy, the clients were not comfortable continuing whilst the franchisor was not following through on the agreement and decided to validly end the franchise as per the agreement. Upon doing so, the clients received a very aggressive letter from the franchisor accusing them of breaching the agreement and threatening court proceedings for alleged breaches of the terms of the franchise agreement.

When the clients approached the Bureau, they were frightened of the franchisor's legal threats and worried costs would be run up against them as they did not have legal representation. The Bureau drafted a suitable "holding" letter in reply to the Franchisor's legal team which denied all the breaches as alleged and reminded the Franchisor of its duties under the pre action protocol. It was hoped

the letter would do enough to fend off proceedings until the clients took specialist contract advice on the terms of the franchise agreement.

The Bureau then referred the case to a partner law firm who advised that the clients had terminated the agreement lawfully, and that it was the franchisor who had breached the terms of the agreement and owed the clients money under its terms. The law firm agreed to act pro bono and tried to negotiate a settlement to the matter. The franchisor refused to negotiate and our partner law firm issued proceedings for breach of contract. The proceedings forced the franchisor to the table and an out of court settlement was negotiated in the clients' favour. Whilst the sum of damages payable to the clients was small (£1000), they are extremely grateful that they have been vindicated in the matter. They have saved extensive legal costs being awarded against them as litigants in person and retained their commercial reputation.

### **Case Study Two**

Client involved in complex repossession proceedings. The client defaulted on one repayment of her mortgage due to the death of her Mother and subsequent difficulties in running her business. The client took quite a responsible approach to this default and decided to sell her property, which she believed she owned fully, and repay the Mortgagee rather than continue to struggle with her income uncertain. The Mortgagee readily agreed this arrangement and the client instructed a solicitor to handle the sale. When the solicitor investigated title, prior to the exchange of contracts on the sale, he discovered that the client did not own the property in full due to the negligence of a previous solicitor in transferring title to her when she divorced years earlier. This is despite the Land Registry title documents confirming her as sole proprietor. Sale of the property will not, therefore, repay the amount outstanding yet the Mortgagee is still proceeding to repossess. To complicate matters, there is a dispute as to the extent of the client's share of the property with the Council, the Council initially claiming she has 25% and now admitting she has 50%.

The client attended having not understood any of the proceedings against her and having an eviction order made against her. The Bureau assisted her in making an urgent application to stay the eviction pending outcome of appeal, and assisted her in drafting and lodging an appeal. Fortunately, the application to stay eviction pending appeal has been successful, and the Bureau is working with the Bar Pro Bono Unit on obtaining representation. Regardless of the outcome of the appeal, it is highly likely the client has a professional negligence claim against the solicitor that handled her divorce and transfer of title and we have advised the client of the six year limitation period for this claim, we hope also to find her representation for this claim in due course.

## **Generalist Advice**

The Bureau's Advice Volunteers provide the gateway to the service at our First Avenue House office, delivering advice and guidance on a diverse range of subjects including benefits, housing, employment and consumer matters. In addition to providing advice to clients, the volunteers also make referrals to Specialist Advisers within the Bureau team, or to partner agencies where appropriate.

All volunteers undertake an intense training programme at the Bureau before delivering advice to clients. This enables the Bureau to maintain its standards in the delivery of high quality advice, as well as ensuring all our volunteers are supported in their roles. The training includes a range of learning methods, including lectures and seminars, research and private study, and outreach and shadowing activities, with continuous development encouraged through the support of the Specialist Advisers across the team.

Our valued partnership with the College of Law has enabled the Bureau to recruit and train 12 new volunteer advisers and 14 advice assessment volunteers from the student community, expanding the team and enabling the Bureau to advise on more cases. By also developing a programme of accredited learning activities through the Workers Educational Association, we are strengthening the support available to our advisers and thus the service we are able to offer to our clients. We look forward to continuing both these partnerships in the coming year.

### **Case Study One**

The client was in dispute with a well known mobile telephone company who claimed she owed them a significant amount of money. The alleged debt arose from the client being offered an upgrade by a sales person who led our client to believe she was a regular service provider.

The client informed the caller that she was in fact an inpatient at a London mental health hospital. The caller persisted and managed to obtain the address of the hospital to which a new mobile telephone was delivered.

The client never used the new telephone as the number was inconsistent with her own. Despite the client calling the company to explain, the many requests for payment, calls from debt collection agencies, threats of legal action and default notices put on our client's credit file ensued. The client came to the Bureau in a very anxious state, she thought she was going to prison.

We wrote to the mobile telephone company and the debt collection agency outlining the necessary requirements for a binding contract to be valid and requested evidence that such a contract had been entered into despite them being on notice that the Client had no mental capacity to enter into such a contract.

The alleged full amount of the debt was cancelled, the Client's credit file was amended and an apology was sent.

### **Case Study Two**

The Client worked for a major high street department store for two years during which time, sadly, she was diagnosed with cancer and had to take four weeks sick leave.

Shortly after her return to work the Client earned a promotion and was moved to a new department in-store. The Client's new manager started to criticize the Client's work performance. This led to the commencement of a disciplinary procedure.

The Client approached the Bureau as she was struggling to come to terms with not only her illness, but how she was being treated in the work place.

We managed to advise, guide and support our Client each step of the way to enable her to deal with her employer. Following this, all disciplinary action immediately ceased and a significant compromise agreement was reached in our Client's favour.

### **Debt Advice**

The Bureau's Specialist Debt Adviser faces an ever-increasing demand for the service due to the much-publicised increase in personal debt levels in society. Clients are referred from our General Advice Volunteers at our First Avenue House office, the lawyers at the Royal Courts of Justice office and directly from the High Court. Clients are also referred to us by other advice agencies which do not have access to specialist debt advisers. Over the year the average level of debt Bureau clients presented with was £45,371, though this figure hides the diversity of cases the Bureau has advised on, with our clients facing anywhere from £1,113 to £200,000 of debt.

To increase access to advice through other agencies, the Bureau has worked to support others with developing their debt advice services. This year we have piloted a placement scheme with Islington Law Centre, which has seen a member of their team receive tailored training and support to enable the organisation to achieve the Specialist Quality Mark in Debt.

The Bureau is also committed to a programme of activities targeting prevention as well as cure of clients' debt problems. Together with colleagues from across the Bureau, our Specialist Debt Adviser has been involved in the delivery of Financial Skills For Life training, equipping clients with the knowledge and skills they need to prevent financial difficulties. This work includes training on identified topics including budgeting, as well as tailored one-to-one sessions to address any specific issues clients wish to raise with our team. We are grateful to funding from Citizens Advice to pilot this work, with the aim of expanding this area of the Bureau's activities in the coming year.

### **Case Study One**

Client has both priority (Council Tax arrears) and non-priority debts of over £60,000. He is currently self-employed and lives in a two bedroom privately rented accommodation. He had already made an arrangement with his Local Authority regarding his Council Tax arrears and was currently able to meet the minimum payment on all his credit cards.

Client said that he had entered into an agreement with his bank to pay them £400 per month on his outstanding debt of about £9,000. The bank initially accepted the £400 per month but later without his agreement changed it to £500 per month which he could not pay and they refused to negotiate with him and instead instructed their Solicitors to issue proceedings against him for £13,210 in the County Court.

The Bureau wrote to the creditor and requested a copy of the original credit agreement including any other documents referred to in the agreement and a detailed statement of his account with the bank under S.77 (1) Consumer Credit Act 1974. The creditor was able to provide the Bureau with the information requested and client's bank statement for the period ending 30 June 2006 showed that the outstanding balance was £8,375, a difference of £4,834.

The Bureau took instructions from client and he said that he was willing to repay the amount shown on his bank statement subject to the creditor withdrawing the case from the Court and agreeing to an instalment repayment of £250 per month. The Bureau was able to negotiate with the creditor to secure these terms for the client.

### **Case Study Two**

Client has various priority and non-priority debts totaling £40,345 including Benefit Overpayment, Rent arrears and Council Tax arrears (of £25,110). Client is currently in full-time employment with net earnings of £900 per month.

Client has a two year old daughter and was living in a hostel prior to having her daughter and was then given a temporary flat by the local authority after she had her baby in September 2004. The client was in receipt of full Housing and Council Tax Benefit which stopped when she went back to full time work in November 2004 and did not renew her benefit application. This meant that she became liable for the full rent and council tax which the client said she was unable to pay, resulting in rent arrears of over £17,000.

Client said that the two-bedroom flat is too big and expensive to maintain just for her and her two year old daughter and she had asked the Council re-house her in a one bedroom flat but the Council told her that unless she clears her rent arrears she will not be considered for re-housing or a permanent accommodation.

The Bureau made representations to the Council regarding the punitive nature of the client's rent arrears and they agreed to give client a hardship grant backdated to two years (£17,000) to clear the rent arrears, as she is not entitled to a backdated housing benefit, and her current weekly rent has also been reduced. Client is now in a position to apply to the Council for a permanent accommodation and she is hoping that the Council will give her a smaller flat that will be cheaper for her to manage. The Bureau is currently negotiating with the Council and all the other creditors on her behalf regarding the rest of her debts.

## **Bankruptcy Advice**

Personal insolvency is on the rise – statistics from the Insolvency Service show a 73.4% increase in personal insolvency in the first quarter of 2006 compared to the same period in 2005 – placing increased pressure on the Bureau's bankruptcy advice team, supporting clients from across the Greater London area.

The Bureau has joined with other agencies in forming Capitalise, London's debt advice partnership, and secured funding from the government's Financial Inclusion Fund to increase access to face-to-face debt advice. Thanks to this funding the Bureau was able to expand its bankruptcy advice team from 1 to 2.5 full-time-equivalent members of staff, increasing our capacity to deal with the raised demand for this area of advice. This funding, together with the strong relationships forged across the Capitalise partnership, has enabled the Bureau to advise clients who had total debts of £5,454,466 – including people wishing to petition for bankruptcy, who have received a petition for bankruptcy issued by creditors, and those who have already been made bankrupt.

With many of our clients facing complex cases, the need for effective advice and representation is clear. Over the year our bankruptcy team has worked with Sharif Shivji and barristers from eight leading civil sets to establish PILARS – the Personal Insolvency Litigation Advice and Representation Scheme – which was launched in Pro Bono Week 2006. This specialist service enables clients to access pro bono representation for insolvency cases following advice and referral from the Bureau team, a welcome addition to the network of pro bono organisations.

### **Case Study One**

Client was petitioned for bankruptcy in 2003 and the petition against her was dismissed at the time as client was eligible for, and had applied for, housing/council tax benefit although the council had no record of this and client had not kept copies of her application forms.

Client was again petitioned for bankruptcy in July 2006 for the same debt and she applied to oppose the petition on the basis that she was pursuing a complaint against the council and requested an adjournment of the hearing of the bankruptcy petition on this basis. Client sought advice at the bankruptcy court desk following the adjournment and the Bureau assisted her to apply to the pro bono PILARS project for assistance with drafting a revised Notice of Opposition and representation at further hearings in the Bankruptcy Court.

The council were again seeking to recover alleged council tax arrears that were over six years old based on the precedent set in the Ridgeway Motors case. Client's case was that if the council were seeking to rely on the precedent set in the Ridgeway Motors case they would need to provide copies of the court orders for the amount claimed. The hearing of the bankruptcy petition was adjourned several times to enable the council to provide copies of the liability orders which they were unable to do and solicitors acting for the council contacted the barrister instructed under the PILARS scheme agreeing to dismiss the petition and the petitioner to pay the respondent's costs.

### **Case Study Two**

The client came to the Bureau after being served with a Bankruptcy Petition for council tax arrears. She had already admitted a part of the debt and paid it off. However, she disputed arrears of nearly £2,000 on the grounds that she was not living in the property at the time of the alleged debt. In addition to this there were a number of irregularities in the council's billing process. Before and after receiving the Bankruptcy Petition she made a number of unsuccessful attempts to negotiate with the council and their solicitors over the disputed amount.

The client's local advice centre had also tried without success to negotiate on her behalf. However, the Bureau worked with the client to persuade the creditor's solicitors of her case and the council backed down on the disputed payments and agreed to ask for the petition to be dismissed. Further negotiations with the solicitors enabled us to get a reduction in costs and a Consent Order agreeing that the client pay those costs in affordable monthly instalments.

The success of this case enabled the client, a single parent with a sub-prime mortgage, to avoid the loss of her home through bankruptcy. After this case was successfully concluded she was referred back to her local advice centre who had offered to work with her to get a better mortgage deal.

### **Miscarriages of Justice Support Service**

The Bureau's unique Miscarriages of Justice Support Service (MJSS) has continued to meet the diverse and specialist needs of victims of miscarriages of justice, opening our 100<sup>th</sup> case early in the year. Clients are given support prior to and during their appeal against conviction, immediately following release and subsequently for as long as they need it. Drawing on the extensive experience of the CAB service, the team provides specialist advice tailored to the client's individual needs – from benefits, to housing, to employment to psychiatric referral – no two cases are the same. To guide the work of MJSS, the Bureau has a specialist Advisory Group, chaired by Dame Ruth Runciman and involving professionals from the health, legal and advice sectors, who all generously give their time to support and inform the development of the service.

Work to ensure the social policy issues identified through MJSS are taken up at a national level has grown over the year, adding a valuable additional impact to our work. The Bureau contributed to the national "Locked Out" research publication, launched in 2006, which considers the advice needs of people within the criminal justice team, with a dedicated section on victims of miscarriages of justice following our input. To ensure a wide network of agencies are aware of the service and can refer clients to us, we have delivered presentations and workshops, including at the national Citizens Advice conference in York. We have also engaged the media in highlighting issues of concern to our client group, including national coverage in print and online of our response to proposals to change the compensation scheme provided for victims.

2007 marks the 10<sup>th</sup> anniversary of the creation of the Criminal Cases Review Commission (CCRC) and the team will be participating in a number of events to

both celebrate the important work of the CCRC and learn lessons for the future from the experiences of victims of miscarriages of justice.

#### **Case Study One**

Client had his conviction quashed after spending over 15 years in prison, and at his initial interview required advice on housing issues, claiming benefits and grants, claiming his national insurance credits as well as general counselling.

Client claimed incapacity benefit, but this was declined. We liaised with various departments on behalf of the client, as when the client had initially tried to do so, he was labelled rude and aggressive and they refused to deal with him. We explained about the trauma of being wrongfully imprisoned and were able to get some understanding and help for the client. He worked prior to imprisonment and all his credits were applied to his account. We contacted the decision maker on his behalf and explained that his credits were applied and about the relaxation of contribution credits. The decision maker agreed to look into this. We supplied further information on the multi benefit bulletin and statutory instruments and sent these direct to the decision maker. The decision maker confirmed he now has sufficient information to decide and the client will be able to backdate his claim.

#### **Case Study Two**

The client was released in the 1990's but did not have his conviction quashed until ten years later. Since the quashing of his conviction he has only received one interim compensation payment and is still waiting for his final payment.

The client's mental state meant that he could not engage with government agencies and therefore could not claim benefits. The Bureau advised him of the importance of claiming benefits but he was too traumatised to appreciate the situation and has refused to claim. The client convinced himself that he could survive on the money received from family and friends. Unfortunately, this reliance on family and friends for support has, over the years, left the client with thousands of pounds of accumulated debt.

The client arranged to meet his local MP at his surgery to discuss his concerns about how the compensation system worked. Following the meeting the Service wrote a letter on behalf of the client to the MP at the House of Commons, and received a reply saying that the matter was being investigated. The client then received a letter from the Home Office informing him that his compensation would be looked at.

The client is glad that developments regarding his compensation are taking place, however is concerned that it took a visit to his local MP and our intervention for something to happen.

## **Treasurer's Report**

The Bureau's accounts have been audited and approved for the year to 31<sup>st</sup> March 2007, and copies of the full report and accounts can be obtained from the Bureau's offices. The following report highlights the key information in relation to the Bureau's finances over the year.

### **Principal Funding Sources**

The principal activities and funders of the Bureau are:

- Legal advice to litigants in person funded by the Legal Services Commission.
- Advice and support to victims of miscarriages of justice funded by the Home Office.
- Specialist bankruptcy advice part funded by the Capitalise partnership, through the DTI's Financial Inclusion Fund.
- Debt advice funded by the Legal Services Commission.
- Volunteer recruitment, training and support funded by the Big Lottery Fund.
- Generalist advice on all areas of social welfare law, supported by funding from Citizens Advice.

We were also successful in raising £39,309 through our own fund raising activities.

We would like to thank all the above funders and individual donors for their support during 2006-2007.

### **Investment Policy**

Aside from retaining a prudent amount in reserves each year most of the charity's funds are to be spent in the short term so there are few funds for long term investment. However the Management Committee invests any funds not required immediately in the COIF Charities Deposit Fund managed by CCLA Investment Management Limited. CCLA is a specialist investment management company managing funds for the Church of England eligible charities in England and Wales and local authorities in the UK. The COIF Charities Deposit Fund provides a secure environment for our reserves and a reasonable return (currently 5.88%).

### **Reserves Policy**

The Management Committee has reviewed the reserves of the charity. The review encompassed a comparison of the nature and certainty of the levels of income and expenditure streams and the consideration of the level of free reserves that were required to provide a buffer for unforeseen falls in income. The Committee have agreed that free reserves should equate to a level of approximately three months normal expenditure to ensure that the charity can efficiently maintain its services.

**Statement of Financial Activities for the year ended 31<sup>st</sup> March 2007**

	<b>Total 2006/07 (£)</b>	<b>Total 2005/06 (£)</b>
<b>Incoming Resources</b>		
Income resources from charitable activities	549,617	478,438
Voluntary income	39,309	26,614
Investment income	5,106	6,154
Other income	70	610
<b>Total Incoming Resources</b>	<b>594,102</b>	<b>511,816</b>
<b>Resources Expended</b>		
Charitable activities	619,679	536,371
Governance costs	2,500	3,584
<b>Total Resources Expended</b>	<b>622,179</b>	<b>539,955</b>
<b>Net (outgoing)/incoming resources for the year</b>	<b>(28,077)</b>	<b>(28,139)</b>
Fund balances brought forward	219,195	247,334
<b>Fund balances carried forward</b>	<b>191,118</b>	<b>219,195</b>

## **Firms involved in the Honorary Legal Advice scheme**

### **Civil Litigation**

Allen & Overy LLP  
Anderson & Co  
Ashurst LLP  
Baker & McKenzie LLP  
Barlow Lyde & Gilbert LLP  
Cadwalader Wickersham & Taft LLP  
Clifford Chance LLP  
Clyde & Co LLP  
Davies Arnold Cooper  
Dechert LLP  
Denton Wilde Sapte LLP  
DLA Piper UK LLP  
Freshfields Bruckhaus Deringer  
Herbert Smith LLP  
Irvin Mitchell  
Kendall Freeman  
Kennedys Solicitors  
Kingsley Napley  
Linklaters & Alliance LLP  
Lovells LLP  
Maclay Murray & Spens LLP  
Mayer Brown International LLP  
Norton Rose LLP  
S J Berwin LLP  
Slaughter and May  
Stephenson Harwood  
Weil Gotshal & Manges LLP  
WGS Solicitors  
White & Case LLP

### **Family Law**

Aina Khan Partnership  
Brachers  
Charles Russell  
Child & Co  
Clintons  
Collver-Bristow  
Creighton & Partners  
Davenport Lyons  
Emmanuel & Co  
Evans Butler & Wade  
Farrer & Co  
Gordon Dadds  
Harters  
Healys Solicitors  
Hughes Fowler & Carruthers  
Hunters Solicitors  
Judge & Priestly LLP  
Kingsley Napley  
Lass Salt Garvin  
Manches LLP  
Roberta Tish Solicitors  
Ronald Fletcher & Co  
Speechly Bircham LLP  
Withers LLP  
Wright Son & Pepper  
YVA