

Collaborative Plan Case Studies 2021/22

The following are case studies from 2021/22 that highlight some of the access to justice work carried out by Collaborative Plan member firms. Names are removed/changed to maintain confidentiality.

WELFARE BENEFITS

Cost of living crisis

Through our firms' project with a cost of living crisis clinic our lawyers have been helping a 65 year old woman, A, who suffers terribly from deteriorating mobility, with her current financial struggles.

After A lost her husband ('B'), she subsequently needed to claim welfare benefits. A's stepson, C, agreed to help her sort out her deceased husband's finances. It later transpired that C was syphoning off any assets that B had left behind, by changing many of B's accounts into his own name.

Since B's death, A has been in rent and energy bill arrears. Our lawyers are helping A apply for financial assistance, as well as the recovery of her late husband's pension.

A is also being penalised by the council with bedroom tax for her three-bedroom third floor flat, plus deductions from her housing payments. Our lawyers will be helping A fill out the correct application to be able to move to a more suitable property. In the meantime, our lawyers have applied for a taxi card for A as she cannot walk more than 20 meters before being in extreme pain.

Our lawyers worked hard to have a summons to the County Court for non-payment of council tax quashed for A and are working to have the council tax arrears resulting from her husband's passing reduced.

Securing benefits for clients with autism

The work of our firm, together with the Disability Law Service has resulted in local authorities dropping the unlawful wording in their policies that prevented autistic children from receiving assessments for proper social care and support.

So-called 'autism plus' policies by councils require autistic children to meet unlawful and discriminatory requirements, such as having an additional disability, in order to be assessed and gain access to support by a specialist team.

This partnership saw our lawyers support the Disability Law Service in bringing the illegality of the 'autism plus' wording to the attention of more than forty local authorities across England, supporting them to amend their policies to comply with the law. This will have a positive impact on thousands of autistic children and their families across England.

Securing benefits for a disabled client

Our firm, together with a learning disabilities NGO worked to assist individuals with learning disabilities and mental health difficulties with benefits appeals at Tribunal and charging disputes.

Our lawyers were successful in assisting a vulnerable young man who had struggled to receive the appropriate care and social support that he required despite being diagnosed with learning difficulties and dyslexia in early childhood.

The young man lives with his mother, who acted as his full-time carer, and provided him with day-to-day support to manage his many conditions as his application for support had been denied.

Our team took on the matter and after a year of work the tribunal finally agreed the client was eligible for support for his autism spectrum disorder, attention deficit hyperactivity, global development delay, speech and language impediments and anxiety.

The tribunal ordered for backdated payments from when the decision was made.

[War Pensions Entitlement appeal on behalf of a British Armed Forces ex-Serviceman](#)

Since early 2018, our lawyers have been assisting a British Armed Forces ex-Serviceman, Mr. A, to appeal a decision made in October 2017 to reject 3 conditions for which he claimed an entitlement to a war pension.

On 19 August 2021, the Pensions Appeal Tribunal in Belfast conducted a remote hearing of Mr. A's case and unanimously allowed the appeal on all grounds claimed. Mr. A also had the generous assistance of a skilled counsel on a pro-bono basis, in the preparation and presentation of the appeal.

Mr. A claimed entitlement to a pension for 3 disablements he suffered as a consequence of his time in service in the British Armed Forces. The Respondent, Veterans UK, rejected that Mr. A had the conditions claimed and/or that they were caused by, or attributable to, his time in service. Veterans UK did not resile from this position, which necessitated the appeal hearing.

Spanning more than 2 years, the work required to obtain this very pleasing result for Mr. A involved: document review (of a surprisingly large volume of medical records dating back over 30 years); preparation of both factual evidence (from Mr. A direct, regarding events leading to his medical discharge from the military) and medical evidence (confirming the existence and aetiology of the conditions claimed); legal research; and drafting of legal submissions.

The papers prepared in Mr. A's case and the Tribunal's decision can be used to assist other veterans in similar circumstances in the future.

INQUEST

[Assisting a father with the inquest into the death of his 23-month-old twins](#)

Our firm represented A, a father, in the inquest into the deaths of his twins AA and BB at the hands of their mother B, who is currently serving a 10-year prison sentence for manslaughter by reason of diminished responsibility.

At the end of a week-long inquest in January 2020, the Assistant Coroner recorded a verdict of unlawful killing. Having heard extensive evidence from family members and many medical professionals involved in the case, the Assistant Coroner agreed with the arguments of A and rejected the submissions made on behalf of B, that medical professionals could have prevented their death.

The Assistant Coroner also agreed with the firm's submissions that their deaths did not entail the State's obligations under Article 2 of the European Convention on Human Rights, the right to life. Consistent with the firm's submissions, he also refused to make a finding of any fault or failure in the actions of the medical professionals involved that contributed in any way to the deaths of AA and BB. Rather, consistent with the submissions made on behalf of A, he recorded only the manner by which they came by their deaths.

HOUSING AND COMMUNITY CARE

[Advocating for families with terminally ill children in relation to social housing, community care and charging issues](#)

Through our firm's project with two NGOs, we assist and advocate for families with terminally ill children in relation to social housing, community care and charging issues.

One case involved two of our lawyers assisting the family of a five-year-old child with highly complex health needs. Among other things, the child is on a 24-hour ventilator via a tracheostomy, and this alone means that she needs to be supported 24 hours a day by a fully trained adult.

Caring for the child is complex and challenging as she has several medical conditions which are interrelated which means that when she becomes unwell, she tends to deteriorate very quickly. The child had previously been provided with specialist care 24-hours a day however, in late 2019, a decision was made to significantly reduce her care package which was again confirmed in 2021.

In order to appeal the decision, our lawyers submitted subject access requests, attended meetings both with the parents and with health and social care, and wrote letters to the decision makers on the child's behalf.

After over a year of working tirelessly our lawyers were finally able to secure a care package that is appropriate for the child's complex needs by arguing that the care assessment carried out was insufficient because it did not account for the day-to-day struggles faced by the family, and the unpredictable events that can and do occur in between scheduled medical interventions.

IMMIGRATION MATTERS

[Exceptional Case Funding \(ECF\) for destitute immigration detainees facing deportation from the UK](#)

In a project with an immigration charity based in the UK, we help to obtain Exceptional Case Funding (ECF) legal aid for destitute immigration detainees facing deportation from the UK.

On one matter two of our lawyers assisted a vulnerable asylum seeker and Liberian national ('A') who suffers from complex mental health issues including a diagnosed psychotic disorder. A first came to the UK in 2003 as a minor, claiming asylum on the basis that his parents and siblings had been killed in the civil war in Liberia.

A has a complicated immigration history which includes a botched deportation to Liberia where he ended up in Nigeria, only to be returned to the UK where he is married to a fellow Liberian national and is the father of four British citizen children.

At the time of receiving the referral from the charity organisation, A was nearing the end of a short prison sentence. Given that there was a deportation order in force against A which was due to be effected upon his release, the team was under pressure to submit the application for ECF legal aid within a short timeframe.

Our lawyers worked hard to complete a comprehensive ECF application on behalf of A and were notified by the Legal agency that their application was successful.

The organisation then assisted A to find a legal aid lawyer that could make expert representations on his behalf to stay in the UK (including arguments under Article 8 ECHR on his right to private and family life) and make sure due regard is given to the best interests of his children.

Exceptional Case Funding (ECF) legal aid and family reunion applications

Through our project with a refugee NGO, we prepare ECF and family reunion applications for asylum seekers in Greece with family members in the UK.

In one of these cases our lawyers took on the case of "K," a father of four underage children from a Bidūn family from Kuwait.

The Bidūn are stateless people found in several countries in the Middle East. Although 70% of Kuwait's total population are not Kuwaiti nationals, the Bidūn have been continuously denied citizenship by the Kuwaiti government, and their situation became particularly bad after the first Gulf War (historically, it is widely believed that this discrimination is due the Bidūn being Shia Muslims whilst most of the Kuwaitis are Sunnis).

K and his family suffered from the discrimination typically endured by Kuwaiti Bidūns. K had been arrested by the Kuwaiti authorities and tortured after his participation in anti-government protests.

In 2018, the family left Kuwait and made their way to Greece on a dangerous journey using people smugglers, while K's wife "D" was pregnant with their fourth child.

In 2019, the family attempted to board a plane to the UK. D and their youngest child were able to board the plane, but K and their three sons were prevented from doing so. D has now begun a claim for asylum. K and the three older children remain in Greece in a refugee camp.

The entire family suffered physically and mentally because of the journey. D has been diagnosed with depression and has unfortunately lost her hair as a result of the stress of the separation.

Our lawyers worked with the NGO and a translator to interview D and K and explain the family reunification process to them as neither of them speak English. The team then helped the family to gather documents in the form of evidence such as photos and WhatsApp messages demonstrating their familial ties, marriage and history of living in Kuwait together. This enabled the team to draft the grounds for the ECF request and submit them to the agency.

Thankfully the application was successful, which means that D and K can benefit from a legal aid funded immigration lawyer to help them to bring their family reunification claim.