

# MP Casework Survey – Findings – September 2018

APPG on Legal Aid

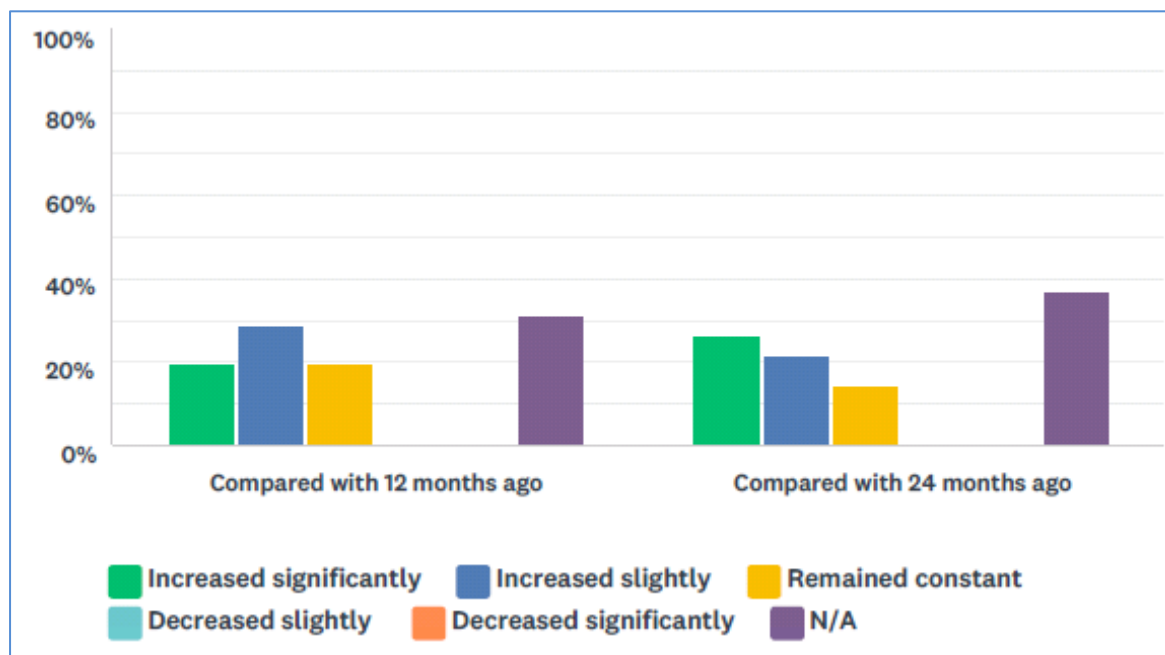


MPs offices are part of the advice and casework infrastructure of local communities these days. Many, probably most, MPs and their caseworkers have built relationships with other providers in their constituencies- CABs, Law Centres, solicitors, charities and signposting or even referring of constituents with problems goes two ways. We wanted to find out more about how this function is operating as demand for help rises and services are under increasing pressure. We were particularly interested in seeing whether MPs had felt the impact of Legal Aid reductions and the consequent impact that cuts to Legal Aid have had on the advice sector.

With the help of the House of Commons Library we sent out a short survey to each MP office in England and Wales. Over the course of April and May 2018 we received replies and anecdotes from 249 offices.

## WHAT WE FOUND OUT

Half of all MPs responding to the survey believe that the volume of constituency casework has increased over the last year and over half have seen a noticeable increase in the complexity of this work



	INCREASED SIGNIFICANTLY	INCREASED SLIGHTLY	REMAINED CONSTANT	DECREASED SLIGHTLY	DECREASED SIGNIFICANTLY	N/A	TOTAL
Compared with 12 months ago	19.66% 35	28.65% 51	19.66% 35	0.56% 1	0.56% 1	30.90% 55	178
Compared with 24 months ago	26.14% 46	21.59% 38	14.20% 25	0.57% 1	0.57% 1	36.93% 65	176

49% of our respondents indicated that the volume of constituency casework has increased in the last year, and almost none felt it had decreased:

More than half (53%) also felt that casework had increased in complexity in the last year citing such factors as:

“Too many refusals of welfare benefits and people seeking help with appeals and tribunals”  
 “Brexit”

“Changes in immigration law and loss of affordable and trustworthy immigration advice”

“The CAB have lost funding for their benefits advisor”

“Unavailability of aid for Family Court issues unless violence is involved”

### MPs are dealing with substantial numbers of constituency cases with potential legal dimensions and the majority of MPs are not confident in knowing what areas remain within scope for legal aid

	I'M CONFIDENT I KNOW WHAT IS IN SCOPE	I KNOW A LITTLE OF WHAT IS IN SCOPE	I DON'T KNOW WHAT IS IN SCOPE AT ALL	TOTAL	WEIGHTED AVERAGE
Housing (i.e. rehousing/ possession/ homelessness/ repairs)	12.22% 22	48.89% 88	38.89% 70	180	2.27
Benefits (including Housing Benefit)	11.24% 20	43.26% 77	45.51% 81	178	2.34
Immigration & Asylum	18.33% 33	46.67% 84	35.00% 63	180	2.17
Family law and domestic violence	15.56% 28	51.67% 93	32.78% 59	180	2.17
Mental health/capacity	5.59% 10	45.81% 82	48.60% 87	179	2.43
Debt	7.26% 13	39.66% 71	53.07% 95	179	2.46
Education/Special Education Needs	4.47% 8	35.20% 63	60.34% 108	179	2.56
Community Care	4.42% 8	34.25% 62	61.33% 111	181	2.57
Discrimination	11.24% 20	43.82% 78	44.94% 80	178	2.34

Awareness of what areas may still be covered by legal aid is low. Only just over 1 in 3 MPs/MP staff teams felt confident that they knew what legal advice remained ‘in scope’ and therefore potentially available to those on Legal Aid. The lowest level of confidence was in the area of Education and Special Education needs (60% uncertain), followed by Debt (53%), Mental health/disability (48%), housing (38%), immigration and asylum (35%), benefits (46%), family law and domestic violence (33%).

### MPs clearly rely heavily on referrals to other agencies, making regular use of local solicitors, advice agencies, law centres and the Bar Pro-Bono Unit

Over the course of a month, 4 out of 5 MPs refer a case to Citizens Advice, 5 out of 10 to a Law Centre and 4 out of 10 to a local solicitor. Almost 1 in 3 will refer to the Bar Pro-Bono Unit or another pro-bono service. Many responded to the survey pointing out that funding

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has been lost for immigration services in particular, whilst some drew attention to other reductions in available services.

	WEEKLY	FORTNIGHTLY	MONTHLY	QUARTERLY	NEVER	TOTAL
Citizens Advice Bureau	43.86% 75	19.30% 33	19.88% 34	8.19% 14	8.77% 15	171
Law Centres	16.25% 26	16.25% 26	18.75% 30	16.88% 27	31.87% 51	160
Local Solicitor Firm	8.50% 13	11.76% 18	20.92% 32	11.76% 18	47.06% 72	153
Bar Pro Bono Unit (or other pro bono provider)	6.02% 10	6.02% 10	17.47% 29	40.96% 68	29.52% 49	166
Other (please provide more detail below)	30.65% 19	11.29% 7	11.29% 7	3.23% 2	43.55% 27	62

“No point in referring to CAB-they refer to us-No Law Centre available now”

“Our CAB no longer takes on immigration cases”

“The local CAB is not currently dealing with immigration matters because of a lack of funding”

“Our local law Centre has closed in the past month but we referred at least weekly prior to that”

## Housing and benefit related issues are the most frequently raised by constituents

	WEEKLY	FORTNIGHTLY	MONTHLY	QUARTERLY	NEVER	TOTAL
Benefits (including Housing Benefit)	86.74% 157	7.73% 14	2.21% 4	1.66% 3	1.66% 3	181
Housing (i.e. rehousing/ possession/ homelessness/ repairs)	74.59% 135	14.36% 26	7.18% 13	3.87% 7	0.00% 0	181
Immigration & Asylum	65.00% 117	12.78% 23	12.78% 23	7.78% 14	1.67% 3	180
Mental Health	38.98% 69	30.51% 54	17.51% 31	8.47% 15	4.52% 8	177
Elderly/Health care	32.40% 58	32.96% 59	21.79% 39	9.50% 17	3.35% 6	179
Other (please provide more detail below)	46.43% 26	14.29% 8	19.64% 11	10.71% 6	8.93% 5	56
Education/Special Education Needs	22.35% 40	38.55% 69	29.05% 52	6.15% 11	3.91% 7	179
Family law	14.12% 25	24.86% 44	39.55% 70	18.64% 33	2.82% 5	177

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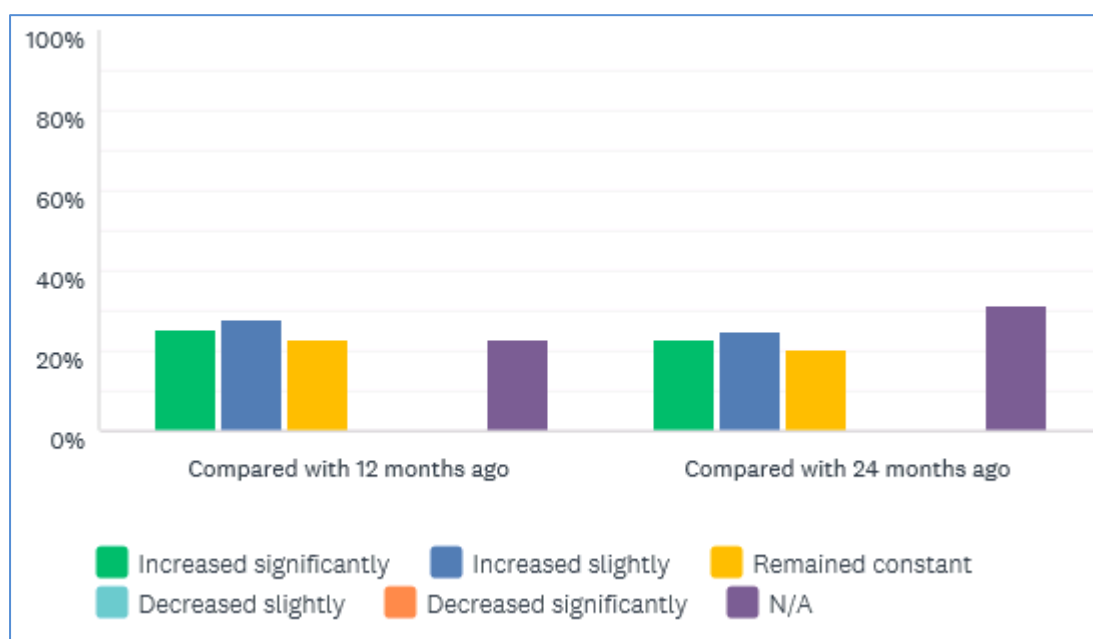
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Nearly 90% of those surveyed were dealing with benefits issues and almost 75% were dealing with Housing (rehousing, possession, homelessness, repairs) on a weekly basis. Whilst we cannot be sure that this reflects a fall in early advice capacity, it certainly indicates a key pressure point. Without swift and early intervention such problems can escalate very quickly to the point where people are destitute or losing their homes, and all too often by the time the constituent reach their MP the problem has become acute.

There was, however, a wide range of other issues- immigration and asylum (2/3 of MPs dealing with this on a weekly basis), family law (1/8), health and social care (1/3), mental health (1/3) and education/special needs (1/5).

**We then asked whether the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), which came into effect in April 2013, has impacted on the nature of MPs' advice surgeries. We asked respondents to compare the current volume of Constituent enquiries to a year ago and two years ago:**



	INCREASED SIGNIFICANTLY	INCREASED SLIGHTLY	REMAINED CONSTANT	DECREASED SLIGHTLY	DECREASED SIGNIFICANTLY	N/A	TOTAL
Compared with 12 months ago	25.42% 45	28.25% 50	23.16% 41	0.00% 0	0.00% 0	23.16% 41	177
Compared with 24 months ago	22.81% 39	25.15% 43	20.47% 35	0.00% 0	0.00% 0	31.58% 54	171

We received no responses that said that the volume of casework had decreased either slightly or significantly over the last year. A number of caseworkers were unable to answer the question as they had not been in post for long enough. More than half responded by

saying that the volume of casework had increased, either slightly or significantly with another quarter stating that it had remained constant.

### ‘What factors do you think have contributed to the change in volume and complexity?’

Answers to this question were wide-ranging, covering the impact of service changes as well as access to legal and advice help:

“Lots of things, including the rollout of Universal Credit”

“The cost of using legal advice and constituents not knowing what comes under Legal Aid.”

“People who do not qualify for free legal representation come to us as a substitute”

“People often think there is no legal aid now.”

“Loss of Legal Aid and lawyers willing to take on immigration and asylum cases.”

“More people getting into financial difficulties through benefit changes and mental health issues.”

“A lot of pathways/charities previously available to constituents are dealing with a high caseload and are suffering from funding cuts so do not have the capacity to deal with people.”

“We often have constituents having difficulty accessing services they are legally entitled to from local authorities...such as a S17 Children Act assessment.”

“We receive regular requests to recommend a suitable legal representative and issues are very wide-ranging: time-share contracts, mis-selling of products or services; contractual issues...”

“All round cuts to local government and charities combined with LASPO cuts has been a toxic mix”

“Many people have no idea what they are entitled to or where to go to get it.”

“Lack of affordable legal advice available especially in relation to immigration.”

“People unclear about where they can get help...we are often the last resort for those who have exhausted all other means of complaint.”

“More people saying ‘We know it’s a legal issue but we can’t afford it.’”

“Many more constituents are now locked out of legal aid and the poorer ones can’t fight back through the courts. One victim of domestic abuse was slightly over the income

threshold so was denied aid. She was over the threshold as she gets extra money for caring for a disabled child. So unfair.”

### We then asked respondents to provide an anonymised example or case study to demonstrate the changes that have occurred over the last 1-2 years.

A number had not been in post for long enough to comment, but we received a number of very interesting responses.

“Immigration cases where poor applications are made by applicants almost entirely on their own because the few free services around us are often inundated”

“6 years ago we had very rare contact from people being made homeless but now it is a weekly occurrence. Universal Credit means people get less money paid later, and often amounts for rent go on other immediate debt or are not paid by mistake UC. So repossession of homes is a regular issue raised with us every few days.”

“No changes”

“Employment Support Allowance; many constituents clearly incapable of working due to physical and most often long term mental health condition e.g. BPD. Increase in cancellation of ESA and on appeal decision overturned. Waste of everyone's time and great distress caused to constituent. I never have a 'light' day, caseload greatly increased; majority are housing and benefit cases.”

“Impact of Universal Credit implementation.”

“Immigration, issues with the time scale of cases being dealt with and constituents needing us to intervene we now have more immigration cases than we have ever had.”

“Constituents are constantly now coming requesting advice on what forms to fill out on Immigration matters. They are requesting that we start filling out the appeal forms for them which usually would be done through a solicitor.”

“2 years ago we did not get so many people coming to us with issues that had a specific legal element. At that time it would mostly be immigration issues. Now we get a much wider range of cases involving the need for a lawyer to be involved. We also get a very high number of constituents who come to us because they cannot afford the legal fees and believe that we may be able to represent them for nothing, particularly in immigration cases.

The following is an example that is not related to immigration and provides an example of the level of complexity that we are starting to see on a much more regular basis. We started working with Constituent A and are now also representing her sister Constituent B. Constituent B faced domestic and child abuse issues in her relationship. This led to her children being put on the child protection register. Constituent B had 2 children and was

pregnant with her 3rd child. She tried to take their own life and voluntarily entered the mother and baby unit at a local psychiatric hospital with her youngest child who was 1 year old. The grandmother volunteered to take the oldest child who was 4 to stop the child going into care. Once the new baby was born earlier this year, the middle child who was with Constituent B in the mother and baby unit had to be taken from the mother and placed in care. The grandmother was unable to take another child and Constituent A volunteered to take the middle child who was now 15 months old. Neither Constituent A or the grandmother have had any kinship care money and very little other financial support from the children's services social work.

Constituent A was in full time work and the children's services social worker told them that they were not entitled to kinship care money because they had voluntarily taken the child. The children's services social worker was also placing unreasonable demands on Constituent A about when and where she should be with the middle child. This made it impossible for her to remain in full time employment and she had to cut her hours. If it had been her own child and she had been able to make arrangements herself then she would have been able to arrange child care and other matters to allow her to remain in her job full time. Constituent A was in a position that she could afford to care for the child if she was in full time employment or if she went part time along with receiving kinship case money. She was struggling financially on a part time wage and was in danger of being unable to pay her mortgage.

During the time that Constituent A was caring for the middle child, Constituent B attempted to take her own life in the mother and baby unit on more than one occasion. Constituent B was eventually sectioned and moved to a secure psychiatric facility. This led to the 3 month old baby being taken from Constituent A. Children's social work refused to allow the 2 youngest children to be separated and they were to be placed in care outside the family unless Constituent A would take both the new baby as well as the middle child. At this point the requirements placed on Constituent A were so onerous that she had to stop work all together. She still receives no kinship care and almost no financial support from children's social work.

Our office worked with Constituent A's employer to get them to agree that Constituent A could be allowed the equivalent of Adoption Leave as per their terms and conditions of service because they now had care of a 3 month old baby. This was quite a difficult process as it took some time to persuade children's social work to put something in writing that the employer would accept to allow for the constituent to get 6 months pay and retain her job to return to at the end of this period. We started to represent Constituent B when they asked through Constituent A to get some help to make a complaint to the Health Board about their treatment. They felt that the hospital had been negligent at the point that they tried to take their life as they had been on constant watch, but had been left alone when they tried to end their life and were only just found in time. Constituent B now has an adult social worker allocate to her own and we are working through the complaint that is to be submitted on her behalf.

During this process both Constituent A and Constituent B have made complaints about children's social work. We are working on making complaints for them. We are also helping Constituent A and the grandmother regarding their request for kinship care payments and issues relating to child benefit and tax credits. Because of extreme difficulties in dealing with children's social work both Constituent A and Constituent B have now had to engage lawyers to act on their behalf. The lawyers are now dealing with some aspects of the issues faced on their behalf, but have advised that they should continue to deal with their MP about some of the issues because the lawyers would need to charge for their services and we will not charge for making the complaints or submitting requests on their behalf. This is only a very brief summary of a very complex case. It is the most complex case that we are dealing with at present, however, we are currently dealing with and have had a number of other cases in the past few months that have been almost as complex. 2 years ago I do not believe we had to deal with anything of this nature of complexity."

"Mainly family law cases where one or both parents are not entitled to legal aid. We recently assisted a local residents group who opposed a large scale development but were unable to receive legal aid to bring about a judicial review."

"Increasing tendency of both private and Social L/Ls to jump earlier to attempt eviction of tenants in financial difficulty brought about by changes to their benefits situation."

"Someone has suffered two strokes since 2015, then a bleed on the brain, aged 53. The transition from 70 hours a week highly paid job to a life on benefits has produced multiple stressful events, e.g. until our involvement could not get PIP; had to use food banks and borrow from friends; now having his Housing Benefit suspended as his carer from overseas has no NINO."

"We are getting more complicated cases that impact over a few policy areas and impact on other areas, e.g. a woman from Turkey was married to another Turkish national, they have two children. She suffered from domestic violence and fled the family home, she managed to find accommodation in the private rental sector and managed to obtain a part time job. However the violence she suffered has left her with mental health problems. This has impacted on her children, her eldest daughter is struggling to cope, she is only 13 but is acting as a carer for her sister, she is falling behind at school and has developed a tremor, she does not seem to be getting help from children's services because she falls below the threshold. Mum is finding it difficult to get help for her children. She was struggling to manage, she does not receive enough housing benefit to cover the rent of her home and has to pay more. And now her GP has signed her off work but since she was still on a probationary period her employment is at risk and she is currently not in receipt of a salary, and is struggling to manage, her ex husband is self employed and does not pay child maintenance. He has made threats against her, the police are seeking an injunction but have suggested she ask her landlady to change the locks but the landlady was frightened that there could be a problem and coupled with the rent arrears has issued her with a notice to quit. She is not on a high enough banding to bid for a council house, and the council have told her the rent arrears may make her intentionally homeless."



“Disputes between business owners or investors and their bank or HMRC over interest due/owed, disputes over child custody and access rights, disputes between landlords and tenants, disputes between married/separated/divorced couples where relationships have gone bitter, disputes between employers/employees where relationships have soured and many more.”

“A constituent who is not entitled to an in-country appeal. A work permit related problem who is only entitled to Administrative Review. Those caught up in Windrush, Tax rectification refusals of Highly Skilled Migrants, increase in unrealistic documentation required for passports. Those caught up in TOEIC speaking tests. Students who are victims of bogus lawyers and colleges and general asylum and immigration problems.”

“Immigration cases are perhaps some of the hardest hit by the lack of access to legal advice, particularly where the constituent may not have the right to work or recourse to public funds. Without the capacity to earn an income they are unable to fund private legal advice.”

“Significantly more constituents are having to take their immigration/benefits case to First Tribunal, then to the Upper Tribunal, than two years ago, due to the Home Office/DWP appealing Tribunal decisions found in favour of the constituent. This has significantly increased our workload for these areas, and many constituents need to return for more assistance at each stage of the process. One example is of a constituent who is currently in receipt of legal aid for her asylum case. Due to constant delays by the Home Office in making a decision on her case, applying to appeal and then appealing the First Tribunal decision that found the constituent should be granted asylum in the UK, the constituent is at risk of losing their legal representative as legal aid funding is due to be stopped.”

“Sentences of Imprisonment for Public Protection (IPPs) – we have one constituent who is currently serving an IPP sentence. His original sentence was 2 years IPP, however he is now 8 years over tariff. We have another constituent who received a 3 year IPP sentence. Says that his son has served 3 years and 4 months. He was told he would have a parole hearing in Feb this year, then it was April, and now they say it could be another year. When he gets his parole hearing he has been told he has still got to serve at least another year in an open prison before being released, making it 5 years. Our constituent would like this system of sentencing explained.

“Volume aside, complexity has not increased and neither has nature of enquiries.”

“Constituent who is severely disabled and has acute mental health issues was denied PIP. His Mandatory Reconsideration was also unsuccessful and his case was referred to a Tribunal. The constituent has no legal representation and if we had not made a referral to the Free Representation Unit he would have had to represent himself and it is doubtful that he could have coped with this. Many constituents who have been refused leave to remain also have no other choice but to represent themselves at the Immigration Tribunal as most of them have no recourse to public funds and cannot work and thus cannot pay for a legal representative. In many cases this has proven to be detrimental to their case and the outcome of their appeal.

“Many people are approaching us stating that they are unable to afford immigration applications. We are passing them on to the Refugee and Migrant Centre in Birmingham for help, but they are unable to help everyone.”

“Two Constituents visit MP office because some 10 years ago they converted loft space in their homes in the same street. They believed they have been granted permission by the local authority from whom they rented their homes. This year the Local Authority surveyed the roofs and other parts of the homes in that street to carry out maintenance as part of a Welsh Government funded project to upgrade housing. As a result the Local Authority informed the Constituents that the Loft Conversions were not authorised and therefore had to be removed. Constituents seek the assistance of their MP to try and resolve what has become a dispute. That dispute now falls into a potential legal minefield. MP cannot provide legal advice but can write to the local authority to seek a solution acceptable to both parties. Has to refer to CAB and case does not appear to be covered by legal aid. Pro Bono a possible option? Constituents face bill amounting to over £10,000 for possible removal or at best £500 to have rooms surveyed and report written to say they comply with current building regulations. This leaves MP and staff struggling to try and research subject and spend time trying to resolve with the Local Authority. Just one example of how complicated this can be and MP wants to do all he can to assist.”

“as a constituency high on the IMD, the complexity of constituents' casework with a legal element has been a constant regardless of recent legislative changes.”

“A person who feels she has been sacked for whistle-blowing requires legal assistance to continue her fight but has been denied legal help because she needs to prove she is a whistle-blower and has protected rights. Currently with the pro-bono unit but she sends us documents regularly even though we have explained we can't offer legal assistance.”

“It is difficult to just chose one to provide an example for such a complex issue. However as I mentioned before I think that the reduction in charities providing help as they have lost their funding from either central or local government, is the main component which is having an impact on the complexity and volume of work. Our constituents are not able to get the help at the point they need it i.e. at an earlier stage and therefore they come to see the MP at a later stage when their situation is hugely complex, the impact of which has spiralled exponentially out into other areas of their life. Thus an issue which could have been dealt with successfully by the CAB at an earlier stage,(for example threat of an eviction due to rent arrears) by the time they approach us they could have reached the stage where the resident is at the point of eviction and there are limited options available to them.

“A constituent had been in receipt of DLA for a number of years before applying for PIP. They failed to score any points on their PIP assessment, even though they had received high rate DLA care and mobility. They struggled with completing the form but DIAL and Citizen's Advice had reached capacity and could not provide an appointment. The feeling was that, if they had been able to obtain help to complete the forms and the PIP system had been explained to them, they may have been successful in their application. We could explain the

processes to challenge the decision and give time limits but, due to the sheer numbers of constituents coming forward with this issue, it is difficult to give each individual the ideal amount of help and advice they need - we frequently refer to other organisations and explain to the constituents how to get extensions on their deadlines. Vulnerable constituents, who struggle with form filling and who lack the ability to express their needs effectively are clearly missing out because of the lack of funded help available.”

“The biggie is that organisations like CAB or community law services close their lists down every 6- 8 weeks because they can no longer accommodate the demand for their free legal services. With the limitations on legal aid people have very few places to turn to. We have to tell constituents that we've run out of options.”

“Housing cases where children are involved and an apparent dereliction of duty of care to families with children in contradiction of the Children's Act.”

“A White British Constituent married to a Nigerian national has adopted two Nigerian Children. The UK does not recognise adoption in Nigeria as legal by UK Standards. This involves Home Office and Adoption rules. With the increased movement of people this kind of case will occur more often.”

“Dealing with a competing scheme hydro project whereby the EA have chosen the wrong scheme. The planners have granted planning permission but the land/water rights are not owned by the applicant (but by constituent who has contacted MP). Result is a potential Judicial Enquiry against Planning Authority and further review of EAs conduct by the Ombudsman. Risk of press getting hold of story as a problematic river that poses flood risk to the town will not have a hydro scheme. Very stressful!”

“There are so many. Had to assist a constituent a lot with an ESA re-assessment due to tightening of the eligibility criteria and contradictory advice from different parts of the DWP. A lot of cases when benefit assessments not in Leicester but Leicester cannot accommodate. An example, an elderly War Veteran had his ESA stopped as not able to sit in a car/taxi to go to another City for an assessment. Office completed the Tribunals Appeal paperwork including documents that when attending hospital appointments in Leicester he walks as unable to even sit on a bus. Many cases of people transferring, or not, from DLA to PIP including an issue of someone who successfully migrated to PIP but although on weekly DLA payments has to have 4 weekly PIP payments as no discretion in Regulations to pay weekly.”

“Bar pro bono re assistance with civil court case re utility company.”

“We have a constituent who is trying to secure a solicitor for her immigration case and has struggled to find any solicitor to take on her case. We have had to refer her to the Bar Pro Bono Unit who took months to review her case. We actually received confirmation that she will receive legal assistance from the unit.”

“I see several homeless families a week. many have been refused all or part of the s7 housing duty as found not in priority need/intentionally homeless etc. No-one locally has

the ability to pick up such cases with real expertise so I do. All of our challenges have been successful at review stage with our intervention. LA's no longer have the resources to genuinely assess cases or the expertise to process them. Social services departments have acted unlawfully and we have had to intervene etc. All of our casework challenges have been successful which highlights the lack of available legally aided help and volunteer organisations do not have either the resources, and more importantly the legal expertise, to mount genuine court or pre-court challenges to bodies/government departments. You cannot replace real legal experience and knowledge with third sector organisations and pro bono work from barristers with a social conscience - the volume of work is just too great. I also have experience of people admitting to making false allegations of domestic violence to access legal aid in child contact cases they are so desperate for legal help.

“A male constituent who removed his children from ex-partners care as he felt they were not safe. She gets legal aid but he couldn't until our intervention as the police needed to prove a FOI request saying she had been arrested for assault on him in the past, until he got this the solicitor would not work on his case. Also same week mother who wanted a care order revoked but couldn't get legal aid so will have to appeal a decision representing herself.”

“Huge backlog in Children's Services of SEND Children who are awaiting assessment for Education, Health and Care Plans. Likewise, a massive increase in demand for services for older constituents and the lack of provision locally.”

“Over-payment of benefits and trying to prove living alone. Needs some legal help with this. “Access to family law advice, ie custody issues. Also legal advice on PIP claims where people can evidence that assessors have told untruths in their reports. Victim support.”

“It's difficult to provide one case that highlights this effectively, without contrasting this with previous cases. 2014-2016 cases would often be one issue, a few emails back and forth, and we would be able to resolve or signpost to Law Centre or other organisation who may be able to assist once it reached a more complex stage. 2016 onwards we have cases with multiple issues or people who have been affected by many policy changes- universal credit, lack of housing etc who require assistance in many areas. Legal advice would often be helpful in these cases, but it is not clear where we can send constituents who would benefit from advice but do not have a case in court. The volume of casework means caseworkers do not have time to provide in-depth support that may be beneficial in these cases.”

“A woman had family breakdown, cousin stopped sponsoring her and recourse to public funds removed. Single parent, evicted because of rent arrears following withdrawal of housing benefit, refused support by children's services so needed to involve advice caseworker but all centres at capacity. Involved project 17 to get social services to act under section 17. Still awaiting for immigration support.”

“The issues the constituents come to us with are more complex and require a lot of research via the internet taking up valuable time we could use to help others.”

“Mother of 2 children, father absent for 3 years wants contact, he abused and raped her, she lives in fear of further assault. Not happy with Cafcass friends provided funding of £5000 for legal representation which was useless, case continues, without representation as she cannot afford it.”

“Family/custody disputes that involve representing self in court and no legal advice. Immigration queries that would benefit from legal guidance but no longer qualify.”

“Many more requests for assistance with benefits, particularly PIP applications and supporting letters. PIP paperwork and assessments appear to be more difficult for constituents to cope with. Taking a lot of my time going through the application forms to explain the questions and give examples of the type of answers needed. Majority of people turned down for PIP who had previously been in receipt of DLA did not take sufficient time, nor include adequate information - they mistakenly think the information held re their DLA would be transferred to PIP process and be taken into consideration. Time consuming, but worthwhile, area of work.

“Child Maintenance Service and father's not seeing children. Universal Credit. PIP assessments.”

“Bereaved mother threatened with deportation. A older gentleman HIV+ no recourse to public funds, surgery (privately funded) was incorrectly carried out, made redundant.”

“Our local law centre can help with benefit issues and the council are good with council tax and housing benefit issues. In this office the main issue is family law. One women has four children who were removed from her care. The eldest two have now returned to her under their own volition as they are considered to be of an age to choose. However, the younger two are in long term foster care. This woman wants to work towards getting her children back but is thwarted at every attempt. The LA says she can apply to the court at any time she wants but she has no money to mount a court case. If she were wealthy her children probably wouldn't have been removed in the first place, however, she would have had money to mount a challenge. I am dealing with three such cases.”

“Unable to give details of changes as said before [XXX] is a new MP. However we mostly see the need for legal advice when there are issues with immigration (e.g. visa application turned down), housing, (e.g. repairs not done, inability to move, neighbour disputes), rights (e.g. where someone believes a company/person has acted against them unlawfully). What we are finding is that there are just not the agencies and support networks out there to support people with legal advice unless they can afford to pay for it. They then come to us desperate for help as they have nowhere else to turn but as we do not have legal training we are limited in the amount that we can do.”

“If a constituent approached us with a Personal Independence Payment appeal two or three years ago we would most likely have referred them to the local CAB. The CAB no longer has the capacity to do this work so we have taken on a number of appeals directly. This expands

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## APPG on Legal Aid



our ability to help people ourselves, but comes at a cost of increasing our workload and sometimes the time it takes to respond to enquiries from other constituents.”

“Complex immigration cases and benefits entitlements and appeals from PIP”

“An individual fled the country as her violent ex partner tracked her down when she internally relocated. She lived in the EU for 2 years and returned to the UK. She struggled with obtaining housing from the local council and her benefits as she was deemed not to be "habitually resident". This decision was incorrect (I have previously practised housing law and know this to be true). As there was no legal aid available to challenge the decision we had to undertake casework to try and challenge/assist the constituent. This involved liaising with both the housing department and the DWP. Had we not intervened, the constituent would have been destitute and homeless. Our intervention remedied the problems, but this was down to my previous experience and work that would have been better off being done by a legal representative. Although we were able to do this, it took a significant amount of time and it meant that other casework enquiries were delayed.”

“Woman whose partner died had trouble with obtaining his pension. Nomination form had been completed by the partner but organisation ignored this and paid some to family. The case is still ongoing and referred to Bar Pro Bono Unit.”

For further information about the survey and these findings please contact:

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# MP Casework Survey – Findings – September 2018

## APPG on Legal Aid

