



With new legal contracts introduced last April threatening to put barriers in front of free legal advice, **Niamh Eastwood** explains how Release's legal outreach projects are more needed than ever in making sure society's most vulnerable don't suffer from the change.

Release set up its first Legal Outreach Project (LOP) in Central London in the early 1980s, in response to the difficulties many drug users had in accessing legal services. The charity's concept was to provide legal advice surgeries within drug projects, and a qualified lawyer from Release now attends five drug projects in central London to provide legal advice on a range of issues.

Often clients' drug use will impact on their ability to manage many aspects of their lives, which may lead to problems with housing, debts, or relating to benefits. These are the most common areas of law for which advice is sought, but whatever their needs, the legal advisor will always try to assist or refer the client to appropriate agencies.

Demand for the service is always high. In 2006/07, Release provided advice on all kinds of issues to more than 500 clients at the outreach venues. But why would drug projects want to engage with LOPs rather than simply directing the client to a citizens' advice bureau, law centre or solicitor?

In many cases the problem the client presents with is a matter that does not attract legal aid, meaning that they would not be able to access a solicitor for advice or assistance. The LOP is largely funded via the host drug project and Release seeks funding from elsewhere to make up the shortfall. Crucially, this makes the service free at the point of contact.

Release legal advisors often have clients who present with charges involving public order offences, areas of law that do not attract criminal legal aid and where the client would have to attend court unrepresented. In these cases they will provide advice and give written submissions to the Court where appropriate.

Matters involving housing and welfare benefits are also common. Local authorities have a statutory duty to assess anyone who presents as homeless. The Release legal team is constantly amazed at just how often they see clients who have presented to their authority on several occasions – yet they have still not been assessed. A phone call from our team will result in a proper and timely assessment taking place.

Release has developed excellent relationships with legal firms throughout the London area, and clients are referred to firms that are both knowledgeable in the specific issues they face and sympathetic to their situation.

When, as often happens, legal aid firms are working to capacity and often referral will not be possible, Release will provide the client with legal assistance. They have helped clients win appeals against the Department of Work and Pensions, challenging previous decisions about the client's capability to work, and achieved successes in disability living allowance claims, housing benefit overpayments, challenging council tax arrears and criminal injury claims – to name but a few.

Andrulla Garcia, Westminster Drug Project team manager, believes that the support of Release 'has helped many of our clients who, on a day-to-day basis, are up against many hurdles in their lives. For many of our service users the support and assistance of Release has helped them to get back some control and deal with their issues face on. It is an excellent part of our service that we

Reach out!

could not do without'.

The LOPs generate a substantial amount of work for the Release legal team. Inevitably, the issues raised require follow-up work away from the project, and a significant amount of time is spent drafting letters, submissions and making phone calls on clients' behalf. With their specialist knowledge of the law and drugs, Release's legal advisors understand the substances and practices associated with drug use – whether as part of actual misuse or as a treatment option.

The legal team participates actively in government consultations, so are fully versed in new legislation that impacts on the client group. They understand what closure orders are; what an intervention order is; that the court has the ability to apply a DRR, and how this relates to the old DTTOs. Through each consultation process, Release advocates for the rights of drug users – and because many clients know about Release's involvement in this kind of lobbying, they feel more at ease with the service.

Importantly, the clients know that since the Release legal outreach service is facilitated by their drug project they do not need to disclose their drug use – which, for many, removes the stigma of having to explain the nature of their addiction. Often clients perceive, in some cases rightly, that they are prejudged because of their problematic drug use, making it more difficult for them to access services that are external to their treatment and support network.

The non-judgemental and accessible LOPs service can have a significant impact on a client's wellbeing. It is difficult enough dealing with an addiction; it is even more difficult if you have mounting debts, face eviction, are homeless, or have no contact with your kids.

Often, simple steps involving advocacy or negotiation can solve a problem that had seemed insurmountable, alleviating a lot of the practical on clients. This in turn allows them to focus on their addiction, and enables them to take positive steps to gain more control in their life.

Recent changes in current legal funding of both criminal and civil legal aid are inevitably going to have a negative impact on the most vulnerable in society. The new Legal Services Commission contracts came into force on 1 April 2007, with much opposition from legal aid firms and organisations such as Release.

The new contracts will mean that civil legal aid solicitors are paid a fixed fee, once the work is completed, that will take no account of the complexity of the case. In reality this will have an impact on the number of solicitors willing to take on legal aid cases, as they will not consider them to be financially viable. As legal aid is usually only available for those on very low incomes or receiving benefits it is the most vulnerable in society who will be affected by these changes, placing a greater emphasis on the need for such services within treatment centres.

Release would like this invaluable service made more accessible to drug users across London. If you would like to discuss the possibility of having a LOPs at your drugs service please contact Niamh Eastwood, Head of Legal Services on niamh@release.org.uk or on 020 7749 4033.

Snapshot from Release's casebook

- Release assisted a client who had been sexually assaulted in her flat and was suffering harassment from her neighbours. A legal advisor assisted the client and submitted arguments to her landlord. The client was successfully transferred to a new area.
- The Department of Work and Pensions sought a £2,500 overpayment of income support from a client who suffered from serious physical disabilities. The overpayment had been caused by an error made by the DWP – a Release legal advisor submitted a successful challenge against it.
- A person accessing the legal outreach programme had debts of over £100,000. With Release's assistance many of the debts were quashed or a minimal repayment plan was entered into. Four years later the client was debt free.
- A client attended one of the LOPs with an eviction order which was due to be executed the following day. The order had been obtained due to rent arrears, resulting from housing benefit not being paid. Release was able to secure legally aided representation at the very last minute and persuaded the housing association to agree to an adjournment moments before the hearing, thereby avoiding the eviction.
- A client presented as homeless after a family breakdown. He had serious mental health issues and had been admitted to a psychiatric unit. The hospital wanted to discharge him but the client had nowhere to go, so Release assisted in obtaining emergency accommodation.
- A Release legal advisor considered a client who was in receipt of disability living allowance was on the wrong rate. The lawyer involved submitted a request that the client's claim be reviewed and submitted evidence to support the review. The client was awarded almost £70 per week more in disability living allowance.
- A client suffered injuries, both physical and mental, after an assault. They submitted a claim to the Criminal Injuries Compensation Awards, but failed due to prejudicial evidence submitted regarding their drug use. This evidence was irrelevant to the case and on appeal the client was successful.