

ACCESS TO JUSTICE, THE MEDIA & LEGAL AID

Mary-Rachel McCabe, Doughty Street Chambers

Will Bordell, The Justice Gap



i. Framing

access to justice

fat-cat lawyers

human stories

welfare state

scroungers

access to justice

fat-cat lawyers

human stories

welfare state

scroungers

i. Framing

- Audience must be the public
- Reframing the debate
- Limitations of social media
- Reconnecting access to justice to its place in the welfare state

ii. Writing

- Blogging on your own account
- Writing for: The Times, The Guardian, rightsinfo, Legal Voice UK, The Justice Gap, Proof Magazine

ii. Writing



ii. Writing

Focus on immediate need – universalising the experience

Rhetorical question in standfirst engages reader's sense of injustice

Image confirms impression of personal, not 'structural' story-telling

Immigration and asylum

'I can't eat or sleep': the woman threatened with deportation after 50 years in Britain

Paulette Wilson moved to the UK in 1968, and worked and raised her daughter here. So why was she suddenly taken to Yarl's Wood detention centre and almost forced on to a plane to Jamaica?



ii. Writing

OPENING

P aulette Wilson had been in Britain for 50 years when she received a letter informing her that she was an illegal immigrant and was going to be removed and sent back to Jamaica, the country she left when she was 10 and has never visited since.

CLOSING

Paulette is despairing at the pressure she is under to prove that she is British. The application to process leave to remain documents costs more than £240, money she does not have. Legal aid is no longer available for cases such as hers. She is terrified that she could be separated from her family. “I don’t know anyone in Jamaica. I had no passport so I couldn’t go,” she says. Paulette does not like to be asked if she feels British. “I don’t feel British. I *am* British. I’ve been raised here, all I know is Britain. What the hell can I call myself except British? I’m still angry that I have to prove it. I feel angry that I have to go through this.” AG

ii. Writing

The empathy deficit

Posted By [Sue James](#) - 22nd June 2017  1 Comment

55
SHARES

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Sue James with more tales from the housing duty desk – read other articles in the series here.

The door to the judge's chambers is shut but you can still hear the shouting from within. People start to look up and around, slightly embarrassed. The shouting continues from inside the court and I catch the eye of a man waiting. He looks directly at me and says: 'It's hard losing your home, you know.'

Austerity justice comes at a cost. It's also compounded by welfare reform and draconian legislation. We have a provision for social landlords to take possession on mandatory Ground 8 (just two months rent arrears). We have a benefits system (Universal Credit) that builds in a delay in paying rent of seven weeks. It doesn't take long to see the cause and effect.

With two perfectly good discretionary grounds to pursue your rent arrears claim, why would a housing association not want a judge to oversee the reasonableness of their decision?

I've not found an answer.

The Test

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your diagnosis
FIT AND TRIM

[test new sample](#)

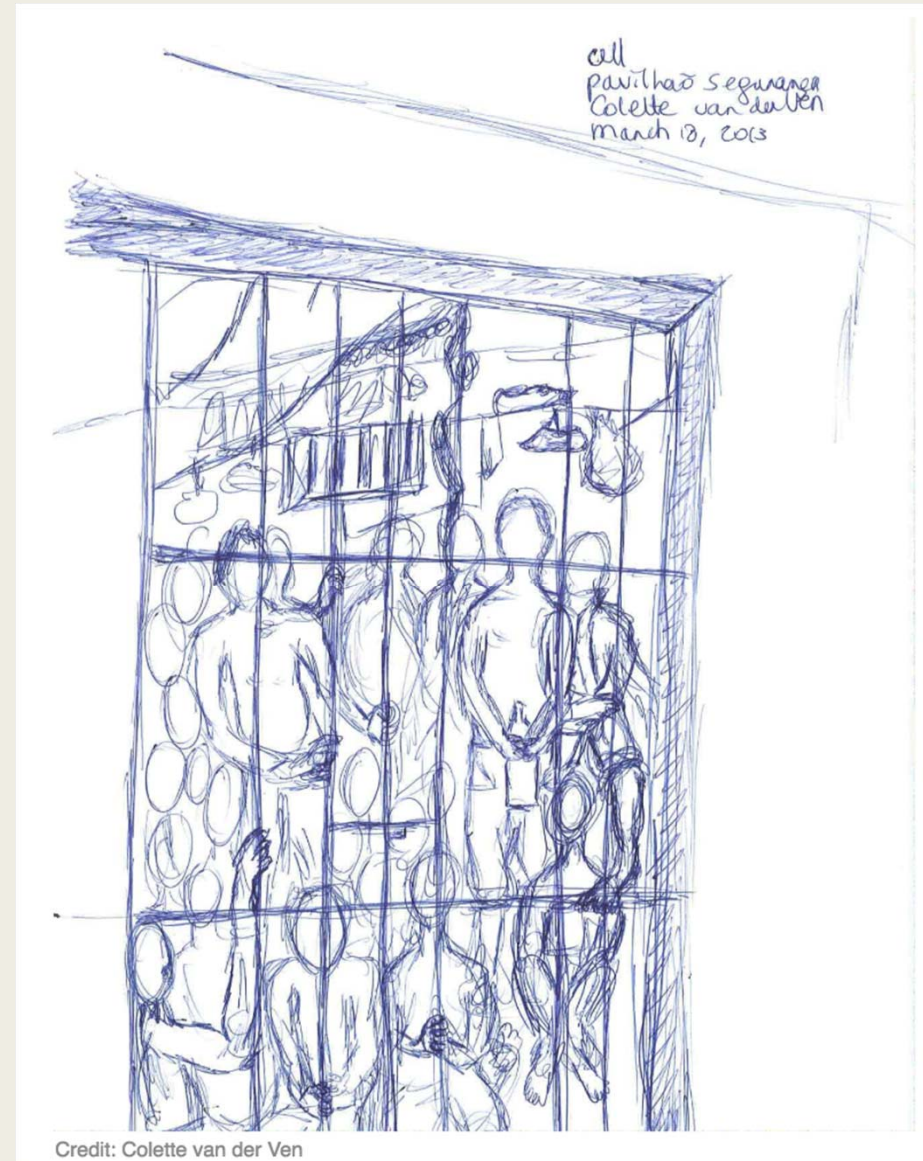
Your sample has 143 words

The door to the judge's chambers is shut but you can still hear the shouting from within. People start to look up and around, slightly embarrassed. The shouting continues from inside the court and I catch the eye of a man waiting. He looks directly at me and says: 'It's hard losing your home, you know.' Austerity justice comes at a cost. It's also compounded by welfare reform and draconian legislation. We have a provision for social landlords to take possession on mandatory Ground 8 (just two months rent arrears). We have a benefits system (Universal Credit) that builds in a delay in paying rent of seven weeks. It doesn't take long to see the cause and effect. With two perfectly good discretionary grounds to pursue your rent arrears claim, why would a housing association not want a judge to oversee the reasonableness of their decision? I've not found an answer.

ii. Writing



Credit: Colette van der Ven



Credit: Colette van der Ven

iii. Pitching

- Inverted pyramid/news triangle
- Pitch as though writing a news story
- Write with economy and simplicity
- Premium on getting something nobody else is getting: a quote, access to a client
- Cultivating relationships
- Avoid ringing on deadline

iv. Talking

- “We are not surprised to see that women have lower trust in the legal system than men overall; however we think this is just the tip of the iceberg. The majority of women contacting us report a lack of confidence in addressing their legal issue. There is a prevailing sense that the system is pitted against them on the basis of gender, for example in child contact hearings, separation processes or when reporting abuse.”
- “All signs point to a crisis not just for human rights, but also for the human rights movement. Its tools of attaching stigma to wayward states have proven inadequate. Even when some of our highest values are placed in constitutions of new states – like the states that replaced communism in Eastern Europe – it turns out that continued support for those values depends on conditions that human rights movements can’t guarantee.”

iv. Talking

- “A client wasn’t well and called for a work capability assessment. She lost her benefits and then tried to appeal by herself. She went to the tribunal and lost. She felt like nobody believed that she was ill, so she suffered from depression and started to take sleeping tablets during the day to avoid the hunger and the cold. This went on for 18 months until we represented her at the Upper Tribunal and got the judgment overturned. She ended up with £20,000 of arrears of benefits, but she was in such a state at the end of that. If she’d had good help at the start, it would never have happened.”

Tony Rice aka “the real life Daniel Blake”





Mary-Rachel McCabe

@MaryRachel_McC

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Today in the county court I represented a real-life [#DanielBlake](#). He is 51 and has depression and PTSD. He cannot use a computer. 1/13

4:48 AM - 12 Dec 2017 from [Hackney, London](#)

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171 3.0K 2.4K



Mary-Rachel McCabe @MaryRachel_McC · 12 Dec 2017



According to his doctor he is not fit for work. The DWP thinks otherwise though, and since moving him from ESA to [#universalcredit](#) 2/13

5 128 180



Mary-Rachel McCabe @MaryRachel_McC · 12 Dec 2017



He has been repeatedly sanctioned for failing his 'Claimant commitment' of job-searching for 35 hours per week. 3/13

3 118 164



Graham Linehan ✓

@Glinner

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Mary-Rachel McCabe @MaryRachel_McC

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7



69



75



Mary-Rachel McCabe @MaryRachel_McC · 14 Dec 2017



Replying to @Glinner

Thanks so much for sharing this, Graham!



1



1



Graham Linehan ✓ @Glinner · 14 Dec 2017



thank you for writing it!



4

What can we do about pushing people into poverty?

James O'Brien | THE WHOLE SHOW  | 2h 7m 2s | 13.12.17



Mary-Rachel McCabe @MaryRachel_McC · 12 Dec 2017

Today in the county court I represented a real-life #DanielBlake. He is 51 and has depression and PTSD. He cannot use a computer. 1/13

171 3.0K 2.4K



Caroline Berry

@1CarolineBerry

Follow







Replying to @MaryRachel_McC

I heard you speak to @mrjamesob on @LBC this morning and I was in tears. Thank you for your work Mary-Rachel and James, please keep shining a spotlight on UC and the misery it is causing to the poor and vulnerable both in and out of work, who are already struggling.

10:09 AM - 13 Dec 2017

2 Likes








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'Real I, Daniel Blake' man who can't work after being stabbed faces Christmas eviction after Universal Credit blunder


Tony Rice said that trying to work out what's going on with his Universal Credit situation is like 'hitting his head against a brick wall'

   SHARE  7 COMMENTS By [Joshua Barrie](#) 16:02, 18 DEC 2017 | **UPDATED** 16:25, 18 DEC 2017 **NEWS**





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RECOMMENDED

 **Medical Negligence Claims**

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<https://www.mirror.co.uk/news/politics/real-i-daniel-blake-man-11716148>

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Stories

You're on the verge of losing everything - but you don't understand why

By Jon Kelly
BBC Stories

© 31 January 2018

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A run of bad luck leaves one man struggling to make sense of the UK benefits system. Very soon he is left with no income and at risk of losing the roof over his head. Can he find his way through a bafflingly complex maze of rules? Put yourself in his shoes.

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Features



The American who fled 'gay conversion' in Africa


<https://www.bbc.co.uk/news/stories-42789610>

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@BillMaureen Follow ▾

Replying to [@MaryRachel_McC](#) [@mrjamesob](#)

I appreciated your conversation with James this morning. These are crucial issues for real people which the Government should be addressing. I congratulate you on your courage in raising this important issue.


4:33 AM - 13 Dec 2017

 **Outamongthedots**
@TheSerpentina Follow ▾


Replying to [@MaryRachel_McC](#) [@CitizensAdvice](#) and 6 others

Thank you for helping him and for sharing that information. This must be challenged in every case, every step of the way! Absolutely shocking!

4:58 AM - 13 Dec 2017

 **Alastair James Dickie**
@alastairjdickie Follow

Shocking yet unsurprising, horrifying yet uplifting. Appalled this is going on, relieved people like [@MaryRachel_McC](#) are helping.

 **Emma Turner**
@LITLINGUISTS Follow ▾

Replying to [@MaryRachel_McC](#)

Well done for fighting this mans cause and being his voice in an unfair system. You should be very proud that you are in such a position and spoke so candidly about his.

2:39 AM - 13 Dec 2017

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The Real life Daniel Blake

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Ken Loach ✓ @KenLoachSixteen

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#TonyRice is a real life #DanielBlake.
With #LegalAid for #WelfareBenefits cut,
Tony was sanctioned for 212 days, forced to
live on £26.38 a week and faced eviction
from his home.
#Time4Justice #TheLawsBroken

 Justice Alliance



5:11 AM - 19 Apr 2018

196 Retweets 197 Likes



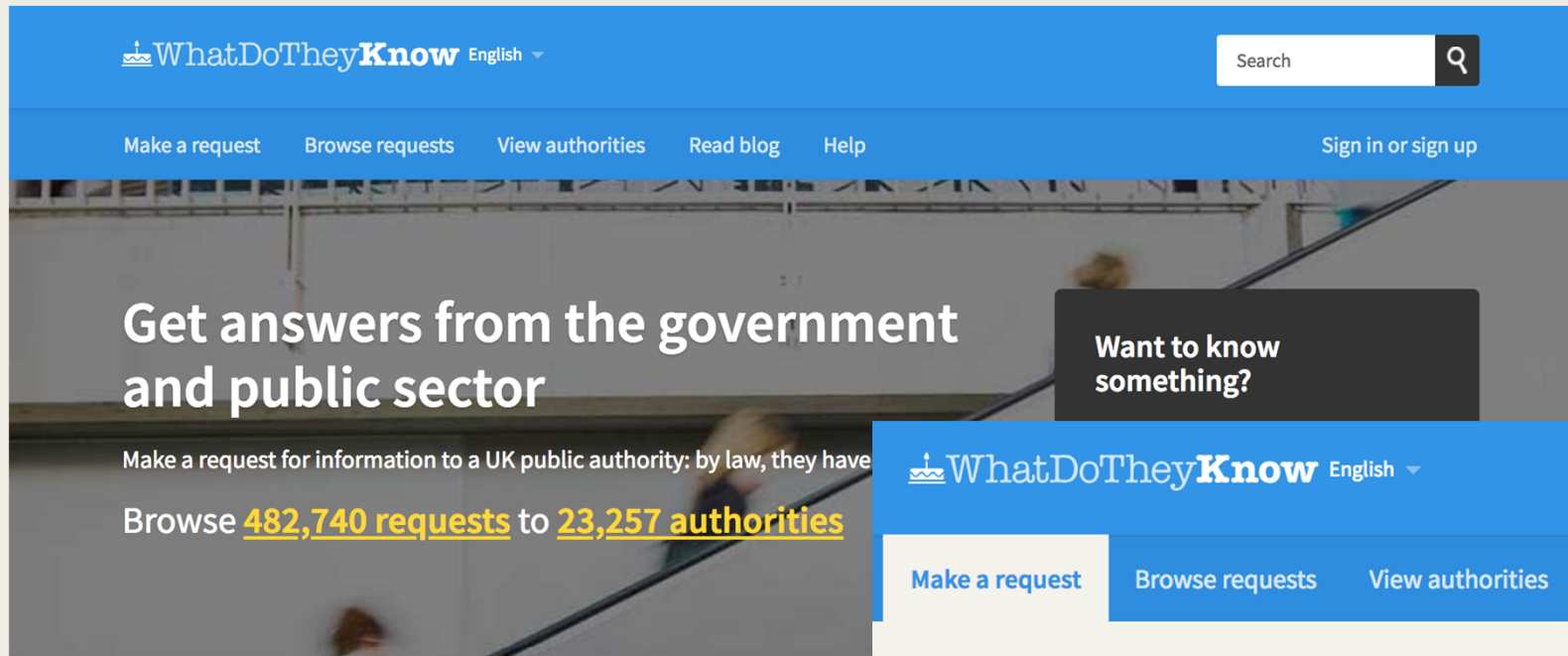


Q&A

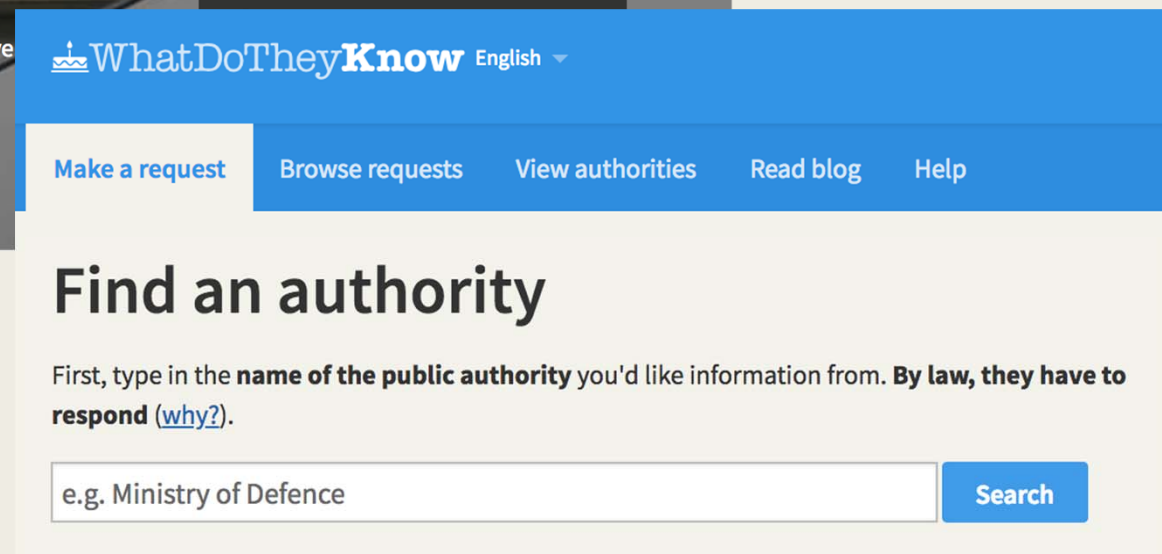
FOIA

- Giving something tangible to a journalist
- Targeted, narrow, specific
- Specify the response's format
- If dealing with data, ask for comparators
- Cost limits of £600 for central government and £450 for other public authorities
- Must reply promptly (usually within 20 working days)

FOIA



The screenshot shows the homepage of WhatDoTheyKnow. At the top, there is a blue navigation bar with the logo on the left, a search bar on the right, and a secondary bar with links: 'Make a request', 'Browse requests', 'View authorities', 'Read blog', 'Help', and 'Sign in or sign up'. The main content area features a large heading 'Get answers from the government and public sector' and a sub-heading 'Make a request for information to a UK public authority: by law, they have to'. Below this, it says 'Browse [482,740 requests](#) to [23,257 authorities](#)'. A dark grey call-to-action box on the right says 'Want to know something?'.



This screenshot shows the 'Find an authority' page. It has a blue navigation bar with the logo and links: 'Make a request', 'Browse requests', 'View authorities', 'Read blog', and 'Help'. The main heading is 'Find an authority'. Below the heading, the text reads: 'First, type in the **name of the public authority** you'd like information from. **By law, they have to respond** ([why?](#)).'. There is a search input field containing the text 'e.g. Ministry of Defence' and a blue 'Search' button.

FOIA

How it works

You have the **right** to request information from any publicly-funded body, and get answers. WhatDoTheyKnow helps you make a Freedom of Information request. It also publishes all requests online.

Use this site to make your request for information – we'll show you how.

We'll drop you an email as soon as your request gets a response.

We publish it all online. Great! Now you have your answer, and everybody else can access it too.

1

2

3

FOIA



[News](#) > [UK](#) > [Crime](#)

Majority of suspects Tasered by police are mentally ill, figures show

Forces' use of the stun guns in England and Wales increased from 6,238 incidents in 2010 to 9,196 last year

[Jon Robins](#) | Saturday 26 December 2015 23:25



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The Independent Online

Resources

- <https://www.foiman.com/resources/foiguide1> – guide to making FOIA requests
- <https://www.whatdotheyknow.com/> – publishes all responses publicly, but there is a version called ‘WhatDoTheyKnowPro’ where publication can be delayed
- https://therightethos.co.uk/files/Your_right_to_know.pdf – guide to FOIA
- <http://writersdiet.com/test.php> – The Writer’s Diet