



Public Law Project

# Impact report

2017  
2019





We seek a world in which individual rights are respected and public bodies act fairly and lawfully.

We improve public decision-making and we facilitate access to justice.

Our priorities are to:

Ensure fair  
systems

Promote and  
preserve the  
Rule of Law

Improve  
access to  
justice

PLP discharges its charitable objectives through a unique combination of research, policy initiatives, casework and training.

[www.publiclawproject.org.uk](http://www.publiclawproject.org.uk)



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# We believe in fairness



## This year marks Public Law Project's 30th anniversary.

Over three decades ago, our founders acted on a simple belief: public bodies should use their power fairly and lawfully. And so Public Law Project was established with the mission to ensure that those affected by disadvantage could hold power to account and enforce their rights.

**Our founders could not have known in 1990 how relevant and urgent that mission would become. In the last three years we have seen unprecedented use of executive power, greater restrictions to access to justice, threats to human rights, judicial independence and to parliamentary sovereignty.**

As this report shows, PLP has met these extraordinary challenges head on. Whether intervening in the Supreme Court to protect our constitutional democracy, representing unlawfully sanctioned benefit claimants, or helping domestic violence charities get legal aid for their clients, PLP uses public law as it was always intended – to prevent abuse of power and give ordinary people a voice.

If there is one lesson to draw from the last three years, and indeed from the last 30, it is that none of what we do can be accomplished alone. All that has been achieved is thanks to collaboration with our funders, partners and clients, and to the dedication of our volunteers and staff.

I hope you enjoy reading about our work – if you would like to get involved with what we are doing, we would love to hear from you.

**Jo Hickman**  
Director  
Public Law Project



Public  
Law  
Project



# What we do

**For 30 years, Public Law Project has worked to ensure that those marginalised through poverty, discrimination or disadvantage have access to public law remedies so that they can hold public authorities to account when they act unlawfully.**

A key principle of public law is that public bodies should act lawfully, rationally, and fairly. When they fail to do so the effects can be devastating and far-reaching. Those directly affected are often among the most vulnerable in society. Unlawful decisions can impact millions of people at a time.

Public Law Project (PLP) works towards its goals by combining casework, research, and public law training programmes.



## Casework

PLP represents clients including individuals, charities and NGOs who are affected by unlawful policies and decisions. We maximise our impact by focusing on cases that bring about systemic change that affects large groups of people. PLP also provides public law advice and day-to-day support to frontline advice providers, charities, and civil society organisations.



## Research

PLP undertakes cutting edge research on public law issues to identify where public law remedies can bring about systemic change. Research supports PLP's casework and is shared with partner organisations, stakeholders, and decision-makers to influence and inform policy.



## Training and conferences

PLP produces training and conferences that share and build legal expertise in how public law can be used to achieve systemic change and to increase access to public law remedies. Training expands PLP's networks and disseminates research and learning across the legal sector and civil society.

All of PLP's current work themes, activities and projects fall under one or more of our four strategic priorities identified for the five-year period 2017 to 2022. These priorities are:

## Priority 1

**Promoting and safeguarding the Rule of Law during a period of significant constitutional change.**

## Priority 2

**Working to ensure fair and proper systems for the exercise of public powers and duties, whether by state or private actors.**

## Priority 3

**Improving practical access to public law remedies, including by seeking to ensure that justice reform is evidence led and by increasing knowledge of public law.**

Our fourth priority is an internal priority:

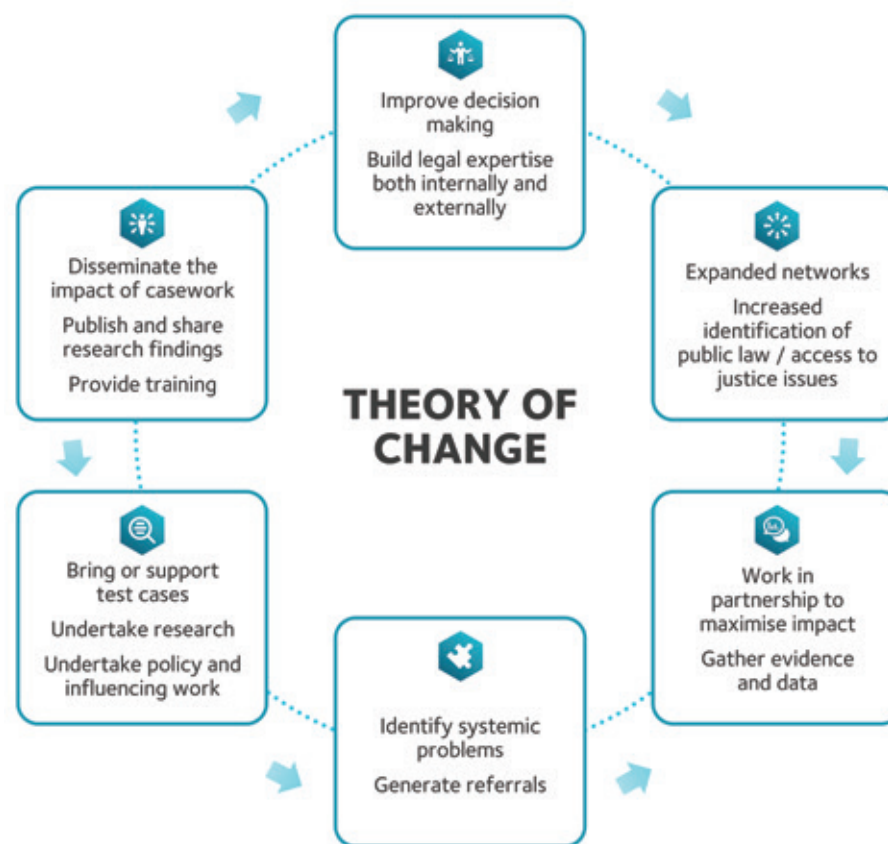
## Priority 4

**Continuing to strengthen infrastructure and capacity in order to improve our effectiveness as an organisation.**

## Our strategy and focus areas

Since 2017 we have invested heavily in developing and honing our strategy and theory of change and we have applied both in a convincing and effective way.

In our strategy we identify five focus areas for our work: access to judicial review, access to legal aid, Brexit, benefit sanctions, and online courts and technology. Each focus area working group draws on the expertise of the casework, research, and training and conferences teams.



# Examples of our work and impact

## Access to judicial review

- Secured an injunction on the Home Office's removal notice window policy which had prevented migrants from being able to challenge the lawfulness of removal decisions
- Successfully challenged Personal Independence Payment regulations that discriminated against hundreds of thousands of people with mental health conditions
- Returned migrants to the UK who had been unlawfully removed
- Helped to ensure that lower tribunals can apply Human Rights legislation by making an intervention in a Supreme Court appeal
- Trained and enabled charities to use public law remedies to support vulnerable clients and to challenge decisions that create systemic disadvantage
- Raised awareness of cost barriers to judicial review
- Advanced funder and civil society thinking on how public law can be used to deliver social change

## Access to legal aid

- Helped more people – including victims of domestic violence – to successfully apply for legal aid through the Exceptional Case Funding scheme including by establishing a university clinic; training charities, lawyers and members of the judiciary; and by working directly with frontline charities
- Ensured that thousands of people at risk of losing their homes could access legal support
- Informed Government policy to: reinstate legal aid for unaccompanied migrant children; to review the legal aid financial eligibility criteria; and to maintain 'passporting' to legal aid for those in receipt of Universal Credit

## Brexit

- Stopped the passage of Brexit regulations that would have given civil servants powers to make law 'by proclamation'
- Informed a Government u-turn on using statutory instruments to end free movement
- Provided guidance to EU citizens on their rights post-Brexit
- Helped to prevent the use of statutory instruments to lower environmental and safety standards
- Successfully challenged an unfair eligibility rule of the EU Settlement Scheme
- Intervened in the Supreme Court case to challenge the prorogation of Parliament
- Supported parliamentary scrutiny of Brexit legislation where it posed a risk to the Rule of Law and raised concerns of executive over-reach

## Benefit sanctions

- Overturned unlawful decisions on benefits payments and sanctions
- Trained over 250 welfare rights advisers in using public law to tackle benefit sanctions
- Launched a website for Universal Credit claimants and benefits advisers to help avoid benefits sanctions

## Online courts and technology

- Informed and influenced policy discussion and supported parliamentary scrutiny of court reform programmes
- Supported the Justice Select Committee inquiry into court and tribunal reforms
- Advanced civil society thinking on the threats and challenges posed by court reform and automated decision-making

# Access to judicial review

**PLP has improved access to public law remedies. We have helped people to challenge unfair systems, enforce their rights, and check the unlawful exercise of state power.**

## Improving access to public law remedies

PLP has represented clients in landmark cases to improve access to public law remedies.

### Injunction on Home Office 'no notice' removals

In 2019, PLP represented the charity Medical Justice and secured an interim injunction on the use of removal notice windows (RNW). Our evidence showed that the policy had allowed the Home Office to remove people from the UK without allowing them the opportunity to put their case before a court or, in some cases, to talk with a lawyer.

In March 2019, the court ordered that the Home Office suspend the practice. The injunction remained in place throughout 2019 and will do until the case is heard by the Supreme Court in mid-2020.

**“PLP has defended access to justice for some of the country’s most at-risk groups of people, including those detained indefinitely despite no accusation of crime. These detainees include victims of torture and people who are seriously ill.”**

Emma Ginn, Medical Justice



### Overturning unlawful removals

PLP helped several people who had been unlawfully removed from the UK by the Home Office. One of our clients received damages after the Home Office accepted that removing them had been in breach of his right of access to justice and his rights under Article 8 ECHR, and that it had seriously misused its powers. PLP also represented a 'Windrush' client who had been threatened with removal despite having lived in the UK since 1989.

**“I was invited to come to an interview with the Home Office, but there was no interview. I was detained and put on a plane all on the same day. It was all deliberately underhand. I had no chance to stop them. I could not even call a lawyer. In the end the Judge told them to bring me back because they had removed me unlawfully and detained me unlawfully and prevented me from getting legal advice.”**

PLP client



## 'Bedroom tax' human rights ruling

Following a joint intervention by Public Law Project, Liberty and the Child Poverty Action Group in *RR v Secretary of State for Work and Pensions*, the Supreme Court ruled that public bodies and tribunals have a duty to disapply regulations that are not compatible with human rights legislation.



**“This judgment re-affirms that people should be able to enforce their human rights under the European Convention on Human Rights in any court or tribunal, without having to bring separate legal proceedings – just as the Human Rights Act says they should be able to.”**

Jo Hickman in *The Law Society Gazette*

## Using public law for systemic change

### Lankelly pilot project

Through a project with the Lankelly Chase Foundation, PLP worked directly with frontline charities, advice agencies and civil society organisations who support people facing severe and multiple disadvantage.

PLP worked with: Agenda, Anawim, Black Training and Enterprise Group, Revolving Doors Agency, National Survivor User Network, Untold Story, Friends Families and Travellers, Family Rights Group, and Leeds Gate.

PLP provided legal advice and representation as well as bespoke training and capacity building in using public law to affect systemic change. Professor Lisa Vanhalla and Dr Jacqui Kinghan of UCL worked with PLP and Lankelly Chase as learning partners to evaluate the impact of this project.

The next phase of the project is underway for 2020.

## Impact of Lankelly Chase Strategic Partnership

### PLP activity

	Types of potential impact						
	Individual impact	Impact on organisations	Legal impact	Impact on policy	Institutional impact	Social or cultural impact	Mobilisation and empowerment
Provision of legal information	●	●	●	●	●	●	
Provision of expert public legal advice		●	●	●	●		
Training on public law		●			●		
Legal capacity building	●	●	●	●	●		
Provision of legal research	●		●	●			
Supporting organisations in their frontline/casework work		●	●	●			
Representing clients (individuals or organisations) or involving organisations in (strategic) legal cases				●	●		●





## Centre for Criminal Appeals: Imprisonment of women for non-payment of council tax

“What do you do when a system doesn’t work? You judicially review it and challenge it and try to get it to see why it doesn’t work ... PLP didn’t just do the litigation – they took us down the road with them. We’ve done four more since then ... going on a journey with PLP helped us to do it ourselves.”



## Anawim: Accommodation for vulnerable clients

“The support and advice I’ve been given has not just helped a client, it helped me work with other clients.”

“I had a client who was homeless. She’d been placed in temporary accommodation, she was heavily pregnant, obvious mental health needs ... she also suffered with PTSD ... the accommodation was actually quite appalling. Because of the information we got from the training [delivered by PLP] for the Homelessness Reduction Act I was able to challenge this successfully. They actually moved her the day I challenged it.”



## Friends, Families and Travellers: Impact of the EU Settled Status Scheme on UK-based Roma communities

“We used that [PLP briefing] to inform ourselves here at FFT, in terms of the possible pitfalls and barriers to accessing the scheme. We were able to then brief the APPG members based on what we’d learnt from PLP and our own knowledge. I had a specific email back from the co-chair [of the APPG] saying that the PLP briefing was extremely helpful.”

## Cross sector collaboration and shared learning

PLP has contributed to civil society understanding of how public law and strategic litigation can be used to challenge unfair systems and to clarify the law in the wider public interest.

## RF v SSDWP: sharing learning from a landmark judicial review

PLP represented RF in her challenge to the DWP and the Personal Independence Payment regulations which the High Court quashed in late 2017 on the grounds that they were manifestly unreasonable and discriminated unfairly against people with mental health conditions.

Professor Lisa Vanhalla and Dr Jacqui Kinghan of UCL produced an in-depth exploration of the litigation process. *Using the law to address unfair systems* drew out important lessons for third sector organisations that use public law to challenge unfair systems, as well as for lawyers working with vulnerable claimants and for funders seeking to support this work.

Building on the report’s emphasis on cross-sector collaboration, PLP’s Deputy Legal Director Sara Lomri worked with a network of Public Lawyers in NGOs (PLINGO) to share and consolidate learning across the sector and has shared PLP’s experience at several funder and NGO conferences.



“By bringing their expertise to bear on the issue and facilitating access to justice for one individual, PLP was able to help shape the disability benefits landscape for thousands of individuals.”

Professor Lisa Vanhalla and  
Dr Jacqui Kinghan,  
*Using the law to address unfair systems.*



## Training lawyers, NGOs, advisers and public authority decision-makers

PLP's flagship *How to do Judicial Review* training has gone from strength to strength and regularly sells-out. Since 2017 we have trained over 600 delegates from small and large charities and NGOs, law firms, advice networks, and from within Government.



TRAINING  
FEEDBACK

### How to do Judicial Review

“I have definitely been more proactive in initiating pre action protocol procedures and applying for funding ... I have used the information pack a great deal in a current case.”

“Thank you very much, really enabling and fundamental knowledge for procedure and tactics.”

## Tackling cost barriers to judicial review

Costs are a major barrier to judicial review, particularly for individuals and small NGOs and charities who are challenging systemic unfairness.

### Research and training

Since undertaking research with academics at UCL on the impact of costs barriers, PLP has shared and disseminated learning and insight about such barriers across the sector. This has included delivering training to improve the sector's ability to negotiate Cost Capping Orders and adverse costs orders, and to evaluate recent trends such as crowd funding.

### Informing Government

PLP helped to keep the pressure on decision-makers to enhance and preserve judicial review by engaging in all stages of the Lord Justice Jackson's review of Fixed Recoverable Costs and the Government's subsequent consultation. We communicated our concerns around the Government's failure to consider Lord Justice Jackson's proposals on Qualified One Way Cost Shifting and Aarhus rules, and highlighted the Ministry of Justice's misplaced reliance on Cost Capping Orders to mitigate concerns about access to justice.





# Legal Aid

**PLP increased access to legal aid through casework, supporting front line charities, and by undertaking influential research to support parliamentary scrutiny and inform Government policy.**

## Increasing access to Exceptional Case Funding

In 2018 PLP set an ambitious goal of increasing the number of applications to the Exceptional Case Funding scheme to over 3,000 a year by 2020 with a 60% success rate. We aimed to achieve this through casework, training and by providing support to the legal sector.

At the end of 2019 it was confirmed that 2,601 applications had been made for the year 2018-19 with an overall grant rate of 66%. In the first year of the scheme, the grant rate was just 1% and only 1,315 applications were made.

The Exceptional Case Funding (ECF) scheme was designed as a 'safety net' to ensure that legal aid could be accessed by the most vulnerable in the wake of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which placed huge areas of law outside of the scope of legal aid.

It was soon apparent that the complexity of the application process and the eligibility criteria meant that access to the scheme was severely restricted.

PLP represented claimants in a series of landmark legal challenges between 2014 and 2016 that resulted in significant improvements to the ECF scheme.

Together with our continued initiatives and focus in this area since 2017, the impact of those cases is reflected in the continued growth in numbers of applicants and a significant increase in the grant rate.

**“The Legal Aid Agency claims that individuals can apply directly for ECF without the assistance of a solicitor, but ... Public Law Project, told us that the forms are extremely complex and almost impossible for most individuals to complete themselves.”**

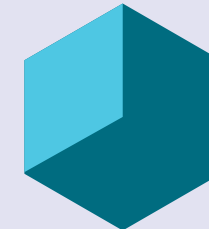
Joint Committee on Human Rights, 10th Report, July 2018

**GOAL**



**3,000 applications  
a year by 2020 with  
60% grant rate**

**ACHIEVEMENT**



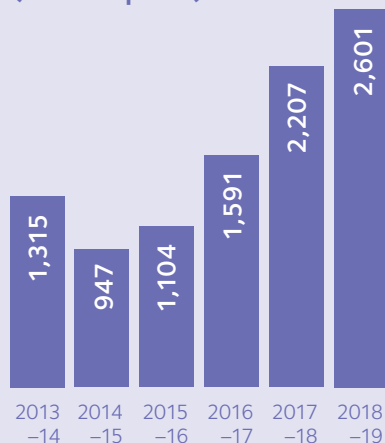
**2,601  
applications  
with 66%  
grant rate**

Cases brought by PLP prior to 2017 established that:

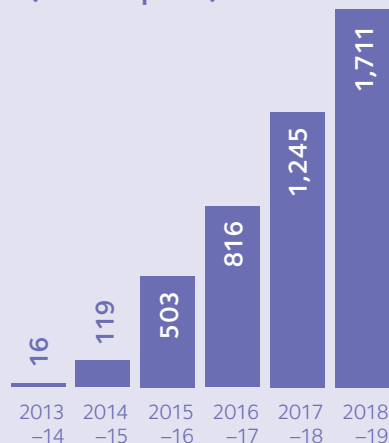
- A right to ECF could arise under Article 8 of the ECHR
- ECF would be required where it was necessary to enable an individual “to present their case effectively and without obvious unfairness”
- ECF guidance given to Legal Aid Agency caseworkers had been unlawful as those who followed it were likely to apply the wrong test when deciding applications

Following these challenges, improvements were made to the scheme including a shorter application form.

**ECF applications made  
(non-inquest)**



**ECF grants made  
(non-inquest)**



## Exeter ECF clinic

In 2017, PLP worked with the University of Exeter to set up an ECF clinic to support applications for legal aid in immigration and family matters. The clinic significantly raised the profile of the ECF scheme to local people and legal aid providers and helped to grow PLP's networks in the South West. The clinic also delivered useful research outputs, including a feasibility assessment of extending access to ECF through university law clinics.

## ECF toolkit

With the support of Freshfields, PLP published and launched a toolkit on how to set up and run an ECF clinic. The toolkit was aimed at clinics operating in university law schools, pro bono schemes in private practice law firms, and not-for-profit organisations.

## Supporting policy reform

PLP supported the Ministry of Justice ECF review team by sharing data from our survey of legal aid providers carried out at the end of 2019. As the only data source of its kind, the survey provided a valuable insight into how providers engage with the scheme.

## Training and frontline support

PLP published a series of practical guides on how to apply for ECF, covering areas of law including immigration, housing, family, welfare benefits, and on how to apply for ECF without a lawyer. These guides have been downloaded over 1,000 times.

Since January 2017, PLP has trained over 130 people in organisations that support people in applying for ECF. We have also provided intensive follow up support to advice agencies such as Refugee Support Devon, enabling them to put training into practice and support their clients' ECF applications.

PLP's Judicial Review North Conference 2018 focused on helping other organisations across the sector to feed into the Government's review of LASPO.



### TRAINING FEEDBACK Judicial Review North 2018: Legal aid and society

**"I found the conference really helpful when working on a submission to the Government review of LASPO."**

Oliver Carter, YLAL and Irwin Mitchell

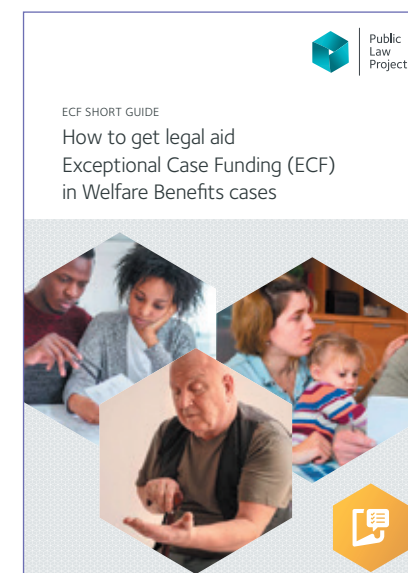
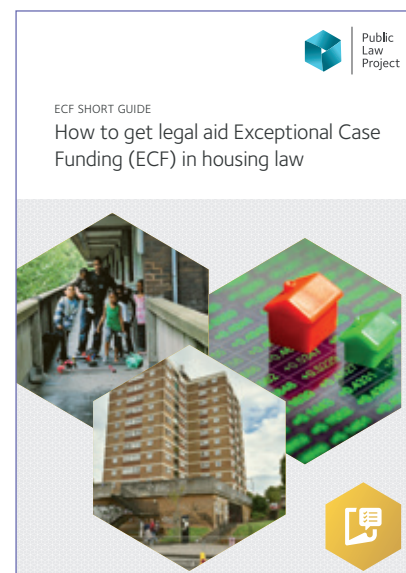


### Rights of Women

With funding from the Lloyds Bank Foundation, PLP worked in partnership with Rights of Women to support women survivors of domestic abuse and sexual violence in making applications for ECF.

**"As a result of PLP's help, we were able to assist 23 women to make ECF applications in the areas of family and immigration law and are pleased to report that 22 of those applications were successful. In 20 of the cases, the welfare of children was at stake."**

Estelle du Boulay, Director, Rights of Women





## Casework

Through its casework, PLP increased practical access to legal aid, helped to prevent restrictions on availability, and encouraged policy commitments that could widen access for the most vulnerable.



### Law Centres Network and the Housing Possession Court Duty Scheme

PLP represented the Law Centres Network in their successful challenge to the Lord Chancellor's review of the tender for the Housing Possession Court Duty Scheme contracts with the legal aid Agency (LAA) which would have reduced access to free legal advice for people facing repossession.

**“PLP’s attention to detail, and their intelligent, creative, and collaborative approach ... ensured thousands of people in crisis across the UK will be able to access justice and have a chance of not only saving their home but also resolving the problems that lead to the potential eviction.”**

Julie Bishop, Director, Law Centres Network

## Legal aid payments to providers

PLP acted for Duncan Lewis to gather evidence for their challenge to the LAA's refusal to backdate legal aid where there was a delay in granting urgent applications. After the evidence was served, the LAA agreed to amend the regulations to make clear that it had a discretion to backdate legal aid in cases where urgent work had to be done to protect the client.

## Supporting legal aid for unaccompanied migrant children

In 2018 the Lord Chancellor settled a judicial review claim issued by The Children's Society – to which PLP contributed evidence – to ensure that legal aid remained in scope for unaccompanied migrant children. The Government made the necessary legislative changes in 2019. Evidence given by PLP solicitor Katy Watts was used as part of PLP's submissions to the Joint Committee on Human Rights 2018 10th report which investigated the damaging effect of legal aid reforms.

## Influencing policy

### Passporting and financial eligibility for legal aid

As part of its review of LASPO, the Ministry of Justice (MoJ) acknowledged the argument put forward by PLP: that people in receipt of Universal Credit should not have to be financially means tested in order to receive legal aid. The MoJ agreed to continue to passport all recipients of Universal Credit through the means test.

The MoJ also referenced the evidence submitted by PLP on the eligibility criteria and, even though that was not an issue initially in scope, agreed to review financial thresholds for legal aid. That review is now underway and PLP will be holding the Ministry to its commitment.

### Consultations, inquiries and support

PLP produced six publications on the impact of LASPO covering issues including: family law; access to early legal advice; means regulations; the impact of LASPO in Wales; the ECF; and the Civil Legal Advice Telephone Gateway.

PLP also provided evidence to:

- The Bach Commission on Access to Justice
- The Commission on Justice in Wales, and
- The UN Special Rapporteur on Extreme Poverty and Human Rights.

## PLP has prevented unlawful executive over-reach and the derogation of rights, and successfully enhanced parliamentary scrutiny of the Brexit process.

### Championing parliamentary sovereignty and holding the executive to account

Brexit legislation gave ministers discretionary powers to use Statutory Instruments (SIs) to make changes to primary legislation, but only in order to make sure that UK laws function correctly after leaving the EU.

In early 2019 PLP began the Statutory Instrument Filtering and Tracking (SIFT) project to monitor the use of SIs in the Brexit process. The goals of the project have been to guard against executive over-reach, the undermining of rights, and the use of SIs as a vehicle for policy change.

PLP shared findings of the SIFT project at 8 different events throughout 2019 and authored widely read articles published by Brexit Civil Society Alliance, Free Movement, UK Administrative Justice Institute, UK Constitutional Law Association blogs, and the Law Society Gazette.

### Preventing law-making by 'decree'

In October 2019 the SIFT project identified an SI that would have authorised civil servants to amend customs and excise legislation by making a public announcement, thereby allowing the executive to by-pass Parliament and to make law effectively by proclamation. In response to a pre-action letter from PLP, the Government withdrew the draft regulation.

### U-turn on ending free movement by SI

Following the Home Secretary's announcement that the Government could bring an end to freedom of movement by using the SI process, PLP published an analysis as to why this could be unlawful. Our work was referenced by the House of Commons Library and cited in a national broadsheet and in legal sector media. Shortly afterwards the Home Secretary abandoned that approach.

### Citizens' rights

Following PLP's briefing on an SI that purported to remove the right to equal treatment in self-employment for EU citizens, Government ministers gave commitments in the Commons and Lords that the regulations would not impose additional restrictions on EU nationals. Our briefing page on the regulations attracted over 15,000 unique visitors.

A separate briefing to inform EU citizens of their rights in the event of a 'no-deal' Brexit reached nearly 1,000 downloads.

### Environmental and safety standards

PLP identified a number of SIs that would have lowered environmental and safety standards. We worked with organisations including ClientEarth, Friends of the Earth, the University of Sussex and ChemTrust, and some of those organisations were successful in persuading the Government to amend the proposed regulations.



**"PLP played a key role helping us to identify and take forward potential litigation on a statutory instrument made under the 'Henry VIII' powers contained in the Withdrawal Act."**

Tom West, ClientEarth

## UK Supreme Court: preventing unlawful prorogation

PLP's work on the SIFT project meant that we were uniquely positioned to intervene in the Supreme Court case brought by Gina Miller and Joanna Cherry QC MP to challenge the Prime Minister's decision to prorogue Parliament.

PLP argued that prorogation would have restricted Parliament from properly scrutinising the Brexit bills and SIs required for an orderly exit from the EU. Our evidence showed that prorogation would have allowed Brexit SIs laid under the 'urgent case procedure' to come into force before being debated in Parliament.

Drawing on PLP's evidence, the Supreme Court decision reaffirmed the constitutional principle of executive accountability and asserted that Parliament's role in scrutinising legislation is fundamental to its purpose.

## Scrutinising executive powers

During the passage of the EU Withdrawal Bill 2018, PLP's briefings successfully focused attention on the lack of constraints on powers delegated to the executive. PLP was among the leading contributors to numerous parliamentary inquiries.

Recommendations made by the House of Lords Committee on the Constitution report drew extensively on our evidence relating to the risks that Brexit legislation posed to the Rule of Law and to the likely extension and normalisation of executive power. The Committee also noted that – following PLP's sustained advocacy – the Withdrawal Bill was amended to limit Ministerial discretion and promote legal certainty.



**Dinah Rose**

@DinahRoseQC

A shout out to the Public Law Project [@publiclawproject](https://publiclawproject.org) – their written intervention played a critical part in the Supreme Court's reasoning. Yet again, this small charity has proved highly effective in protecting the rule of law.

24 September 2019

Prof Jeff King, Prof Richard Ekins and Sir Jeffrey Jowell QC at PLP's 2018 annual conference



## EU Settlement Scheme

PLP's work on the EU Settlement Scheme cuts across several focus areas and is a strong example of our multidisciplinary approach.

### Protecting the marginalised, scrutinising automation, and making the system fairer

The EU Settlement Scheme is the process through which EU citizens can regularise their immigration status as the UK prepares to leave the EU.

PLP identified at an early stage that the automated nature of the scheme means that it is a significant departure from usual decision-making processes and represents an acceleration of a trend towards quick justice at the expense of important safeguards.

Through the integration of research and casework, PLP's work has made the EU Settlement Scheme fairer and has helped to protect the interests of marginalised groups.

### Casework

In 2018, PLP acted for the Joint Council for the Welfare of Immigrants (JCWI) in a challenge to Home Office rules intended to prevent 'unsuitable' people from being granted settled status. The practical effect of those rules would have been to reject – and ultimately remove from the UK – applicants who had received removal notices for not exercising treaty rights, which could be evidenced by something as minor as not having health insurance.

Following JCWI's challenge, the Home Secretary addressed our client's key concerns, introduced a new proportionality requirement, and confirmed that it would not refuse EUSS applications on the basis of non-exercise of treaty rights alone.



**“I am extremely grateful to Alison and Sara, and their team at PLP for the exceptional work they did for us at the Joint Council for the Welfare of Immigrants in a challenge to protect the rights of EEA nationals and their family members after Brexit. PLP ensured that the marginalised individuals at the heart of the unfairness in this case were provided with access to justice through our representative action.”**

Chai Patel, Legal Policy Director, Joint Council for the Welfare of Immigrants

## Research

In 2019, PLP published *Quick and Uneasy Justice*. Written by our Research Director Dr Joe Tomlinson, this was the first comprehensive end-to-end public law analysis of the scheme.

The report was launched at an All Party Parliamentary Group on the Rule of Law event attended by members of the House of Lords, several of whom referred to the contents of the report in a debate the following day.

## Appeal rights won in Parliament

PLP's research on the EU Settlement Scheme identified that the Immigration and Social Security Co-ordination Bill denied EU citizens the right to appeal EUSS decisions in the event of a no-deal Brexit. Following briefing and engagement by PLP in partnership with organisations including The 3 Million and the Brexit Civil Society Alliance, the right of appeal was announced in the 2019 Queen's Speech.

## Supporting frontline NGOs

At the end of 2019, PLP developed a second-tier support hub to work with frontline organisations who assist vulnerable and disadvantaged applicants to identify and challenge unlawfulness in the operation of the scheme and to improve how it operates.

# Benefits sanctions

**The benefit sanctioning regime has resulted in unnecessary hardship to some of the most vulnerable and marginalised in society.**

PLP's work in this area has succeeded in:

- **Overturning unlawful sanctions**
- **Training and equipping frontline charities and advisers to identify and challenge unfair sanctions, and**
- **Tackling causes of unfair sanctions.**

## Overturning unlawful benefit sanctions

Since January 2017, PLP has been supporting clients through their problems with sanctions, conditionality, welfare payments, tax credits, and with processes including mandatory reconsideration, appeals, and judicial review.



### Challenging sanctions

In the Autumn of 2019 PLP, lawyers Katy Watts and Matthew Ahluwalia acted for a client who had accumulated a high number of Universal Credit sanctions, some of which were for failing to search for work during a time when she already had a job offer.

The sanctions meant that she received no payments for 14 months, leaving her in a very vulnerable position, exacerbating her already poor health and putting her at risk of eviction. In addition, the appeal process took over 77 weeks to complete.

Matthew and Katy succeeded in helping our client to overturn every decision that she challenged through the tribunal system.



### Equality Act claim

Katy represented a client with mental health conditions who struggled to carry out the activities required of her by a work programme provider who repeatedly refused to make reasonable adjustments for her conditions. Our client's mental health deteriorated, and she eventually disengaged from the programme and was sanctioned. Shortly after she was referred to PLP for advice on judicial review, the DWP agreed to overturn her sanctions and, after PLP helped her bring an Equality Act claim, paid the client financial compensation.

**"It would have been worth it even if there hadn't been any compensation, just to have a voice and to be able to argue back."**

PLP's client



**Matt Ahluwalia**

@MIAhluwalia

@katy\_w and I acted for a client who had accumulated a high number of low-level and medium level sanctions on her Universal Credit claim.

Some of her sanctions were for failing to search for work, during a time when she already had a job offer.

In November 2017 our client requested 'mandatory reconsiderations' for 9 of these decisions.

All nine decisions were upheld by the DWP at reconsideration stage.

28 October 2019

## Training others to identify and challenge unfair sanctions

Through research, training, and day-to-day advice, PLP has supported front line charities and the welfare rights sector in how to use public law to help their clients.

### Training

Since 2017, PLP has delivered over **30** sessions of targeted benefit sanctions training to over **250** welfare rights advisers and frontline support workers across the country.

Our bespoke training programmes focused on helping service users to access hardship payments, ensuring that their conditionality agreements were appropriate and identifying and challenging inappropriate sanctions.

PLP trained organisations including: Central England Law Centre, Greater Manchester Strategic Casework Group, Leeds Touchstone, Bridport Citizens Advice, and Greenwich Welfare Rights.

Members of PLP's casework team also spoke on benefit sanctions at conferences hosted by Advice UK, Child Poverty Action Group, the Equality and Diversity Forum, and at a Welfare Conditionality Conference at the University of York.

#### TRAINING FEEDBACK

Greater Manchester Welfare Rights Advisers Group,  
Dorset Citizens Advice, Hammersmith and Fulham Citizens  
Advice and Touchstone Leeds

**100%**

said they would  
recommend the course

**90%**

said the training  
significantly increased  
their knowledge

#### TRAINING FEEDBACK

"The conference provided me with excellent practical information which has helped me to better support the individuals who I advocate for in dealing with severe challenges in the welfare system, especially those individuals facing mental health difficulties – including First Tier Tribunals for Welfare benefits, and in my work supporting other caseworkers."

"The training provided the tools, wherewithal and confidence to build on that previous experience regarding casework tactics and strategies to improve the quality of our advice and advocacy for our clients."

"It has given me the confidence to really push and dig my heels in when appealing or contesting decisions with service users."

"Since the training I have attended two tribunals both of which the service users won with maximum points awarded. One of the service users had received zero points in the original decision we challenged."



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## Tackling causes of unfair sanctions

PLP identified that a solution to one of the causes of unfair sanctions was to ensure that claimants are aware that they can negotiate the terms of the claimant commitment which they must satisfy in order to receive their benefits.

With funding from the Matrix Causes Fund, PLP produced a website ([www.claimantcommitments.org.uk](http://www.claimantcommitments.org.uk)) and a series of leaflets for claimants and advisers to show how claimant commitments can be tailored to individual needs, making it easier to comply with conditions and avoid sanctions.

The leaflets are targeted at the vulnerable groups most likely to be sanctioned including people with mental health conditions, lone parents, care leavers, homeless people, and refugees. PLP worked with Gingerbread, Shelter, Disability Rights UK, Citizens Advice, the Trussell Trust and advice networks to disseminate the information.

TRAINING  
FEEDBACK

[www.claimantcommitments.org.uk](http://www.claimantcommitments.org.uk)

“This will prove incredibly helpful for some of my clients that are currently experiencing mental ill health.”

“I had no idea you could even change them! This is genuinely uplifting to know. I’m going to send this to everyone I know who might be affected because it could be life-changing for them.”

“I wish this had been around two years ago when my first set of UC commitments caused my mental breakdown.”

“Extremely helpful! I’m a trainer. I now give a set of the leaflets to whichever group I’m training, for them to copy and keep as a resource. Thank you!”



“The claimant commitment leaflets and website are a simple solution to a very complex problem that PLP was in a unique position to identify and tackle, with the help of committed partner organisations.”

Alison Pickup, PLP Legal Director and Chair of the Benefit Sanctions Working Group

## Benefits payments

Alongside his work on benefit sanctions, Justice First Fellow barrister Matthew Ahluwalia has recovered over **£100,000** in benefit payments that were denied to claimants as a result of poor, unfair or unlawful decision-making.



### Overturing unlawful refusals

Matthew represented a victim of domestic violence who faced eviction from a women’s refuge with her infant son after being refused Universal Credit.

The Department of Work and Pensions’ refusal was overturned following a pre-action letter which challenged the lawfulness of the refusal and unreasonable delay of the mandatory reconsideration, which PLP argued was a breach of our client’s Article 6 rights. Our client was awarded over £12,000 in backdated Universal Credit and Housing Benefit, allowing her to cover the rent at the women’s refuge.

Matthew also represented a refugee who suffers from epilepsy, depression, and PTSD, and has limited use of her left arm requiring help to cook, wash herself, and get dressed. Our client’s application for a Personal Independence Payment was refused. She scored 0 points for any of the descriptors.

PLP represented the client at appeal where the decision was overturned, and the client received over £25,000 in backdated PIP and ESA payments.

# Online courts and technology

**PLP has supported parliamentary scrutiny of this fast moving and complex area of justice reform and has advanced civil society thinking in the area of automated decision-making.**

Algorithms, artificial intelligence and other digital systems increasingly are being used to make decisions that can have a huge impact on our lives. At the same time, digital justice reforms have come quick and fast and with little evidence or understanding as to how they will affect people's access to courts and tribunals.

Whilst these changes bring with them opportunities to increase speed and efficiency of vital public services and the justice system, inevitably they also pose a risk, particularly to the vulnerable. There is also uncertainty as to how the law and legal process will be adapted to accommodate these changes.

As this shift gathers pace, PLP's scrutiny and research has helped to put court reform and automated decision-making under the microscope. By asking the right questions and developing our networks, our work has been vital to Parliament, Government and civil society.



## Supporting scrutiny through research

PLP has given Parliament and policy makers vital insight into online courts and tribunals and digital assisted procedures. We have informed and influenced policy discussion at the highest levels.

- PLP's research paper, *The Digitalisation of Tribunals: What we know and what we need to know* has been widely cited and praised by leading commentators
- Deputy Legal Director, Sara Lomri gave oral evidence to the Justice Select Committee's inquiry into court and tribunal reforms
- Our submission to the Fit for the Future consultation was cited in the Government's response
- PLP briefed MPs and Peers ahead of the Courts and Tribunals (Online Procedure) Bill 2017-19. Following the publication of PLP's concerns around Henry VIII powers given to the Lord Chancellor, the Bill was amended. Our briefings were also referenced by the House of Commons Library



**"The Public Law Project, to its enormous credit, has thrown down the gauntlet and identified for Sir Ernest, HMCTS and ministers what precisely needs to be examined ... [the paper] deserves a wide readership – internationally, domestically and within the Ministry of Justice."**

Review of Digitisation of Tribunals: What we know and what we need to know by Roger Smith, visiting Professor of Law at London Southbank University

## Advancing civil society thinking

PLP has brought academics, charities and civil society organisations together to identify the threats and challenges ahead and to co-ordinate a strategic approach to tackling them. We have contributed to and given profile to new research on digital reforms and automation and built a highly engaged network of partners across civil society and academia.

PLP has shared analysis and insight at conferences and events.

- PLP supported a UCL conference on the research needs arising from the online court reform project attended by academics, representatives of HMCTS, and the Senior President of Tribunals, Sir Ernest Ryder
- The theme of PLP's 2019 annual London conference was technology and the law, and featured a session with Dr Reuben Binns on artificial intelligence decision making, successfully profiling his work to public lawyers and public authority decision-makers
- PLP coordinated a series of networking events with HSF, attended by representatives from HMCTS, academics and practitioners

### TRAINING FEEDBACK

#### Judicial Review Trends and Forecasts 2019: Public Law and Technology

“Excellent, new explanations and essentials for lawyers.”

“Great explanations and examples – really good to get an expert on this.”

“This was so very good. A complex field made accessible.”

### The digital state – strategic development

PLP has organised an ongoing series of round tables with Liberty and the Bonavero Institute to lead civil society thinking on the challenges posed by the growth of the digital state and its impact on decision-making, judicial review, public law and the public sector. The events feature academics from the universities of Oxford, Cambridge, York, and Liverpool, King's College London, Queen's University Belfast, the London School of Economics and UCL.

## Automated decision-making: the next chapter

Towards the end of 2019, PLP widened the scope of this focus area to more explicitly explore and tackle the public law challenges that automated decision-making presents.

Our two-year goals for 2020–22 in this focus area now include:

- Track and analyse examples of automated decision-making by public authorities
- Research the challenges and opportunities that automated decision-making presents for administrative justice
- Train public lawyers in how to challenge automated decisions
- Use public law to ensure that automated decision-making is fair, lawful, and can be challenged by public law remedies



Dr Reuben Binns,  
Department of  
Computer Science,  
University of Oxford

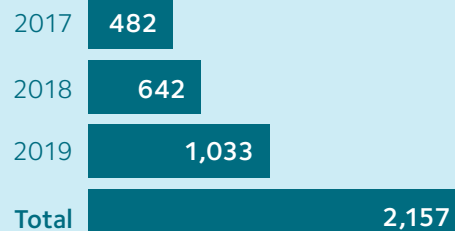
# Conferences and training

**PLP's training and conference programmes are closely aligned with the work of our focus areas. They are integral to PLP's theory of impact.**



In 2019 alone we trained over 1,000 delegates including lawyers and advisers across private practice, civil society, NGOs, and Government, as well as public law academics and researchers.

**Total number of  
delegates trained  
2017–2019**



**“Our training is designed to build legal expertise and to provide the legal sector and civil society with the skills they need to tackle unfair systems through the law, and to hold executive power and public authorities to account. Each event helps us to develop our networks and identify public law and access to justice issues, all of which informs PLP's research and casework development.”**

Ade Lukes, Events and Resources Development Manager



Our annual conference, Judicial Review: trends and forecasts has sold out every year since 2017 and continues to bring together leading figures at the cutting edge of public law and constitutional practice.

The 2019 annual conference was the biggest yet. With over **270** speakers and delegates the conference was themed around public law and technology and included sessions on algorithms in public decision-making, automation and evidence, and the use of technology in implementing the Modern Slavery Act.

Since 2017 over **600** delegates have attended our judicial review training events which we host three times a year. Almost all events have sold out.

## Measuring impact

PLP monitors the quality of all of our conference and training sessions against a comprehensive set of metrics. In 2018 we began collecting dynamic feedback by asking delegates how the training has changed the way they work, allowing us to assess the longer-term outcomes of our training.

## Innovation

Over the last three years we have produced new events and conferences on emerging public law issues and trends.

## Discrimination law training

PLP's 2019 conference on discrimination law highlighted the need for public lawyers to understand more about discrimination law and for discrimination lawyers to learn more about public law.

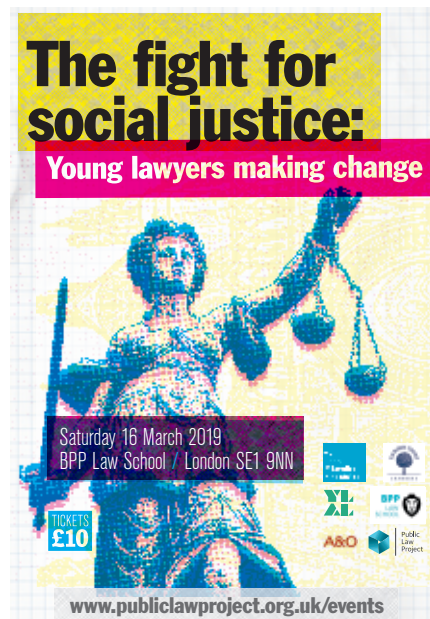
The outcomes of such events can range from helping advisers and lawyers to deliver services more effectively, to full blown project development and cross-sector partnerships.

### TRAINING FEEDBACK Discrimination law training

"As a result of the knowledge gained at the conference and through information from PLP we have secured funding for a pilot project to support clients to take discrimination cases to county court which should start in the New Year."



## Young Lawyers Making Change



In partnership with YLAL and the Justice First Fellowship, PLP launched a conference in 2018 to inform and inspire the social welfare lawyers of the future and to bring together those committed to working in the areas of law traditionally funded by legal aid. Young Lawyers Making Change is now entering its third year.

### TRAINING FEEDBACK Young Lawyers Making Change conference

"Brilliant day, thank you!"

"Once again, a brilliant conference! Great for networking, encouragement and real practical awareness and insight."

## Wales Conference



Our Wales Conference brings the legal and civil society sectors together with academics and the Welsh Government to look at issues through the lens of public law in this developing jurisdiction. The event reflects our increased focus on Wales and has enabled us to grow our networks with these stakeholders.

At the end of 2019 we advertised for our first Wales based lawyer to provide public law advice and support and to build referral networks.

### TRAINING FEEDBACK

#### Wales Conference 2019

“The whole day was engaging and well planned. All speakers were great, and I thoroughly enjoyed being able to share experiences with others.”

“As a Justice First Fellow, this event has helped me to network and build my knowledge and understanding.”

## South West Conference

In 2019 PLP organised its first South West Conference in partnership with Plymouth Citizen’s Advice and Plymouth University to train advisers and charities in using the law to help people experiencing disadvantage or discrimination.

## Bespoke training

In addition to our larger events, the casework team regularly delivers training to civil society organisations, frontline charities, and advisers to help build an informed and empowered network able to use the law to help their communities. As a result, the programme has unique geographical range, scale and reach.



# Our Justice First Fellows

**The Justice First Fellowship was established by The Legal Education Foundation in 2014 to support the next generation of specialist social justice lawyers. Since 2015 PLP has taken on four Justice First Fellows (JFF), funded by the Legal Education Foundation.**

## Matthew Ahluwalia, Barrister



Almost immediately after starting pupillage, I worked on the successful challenge to amendments to Personal Independence Payments regulations. It was a fantastic introduction to judicial review casework.

As my pupillage progressed, I took on my own caseload of welfare benefits and judicial review cases. So far I have recovered over £100,000 in benefit payments for my clients. I also successfully represented a number of clients at the Asylum Support tribunal, helping destitute migrants to access accommodation and support.

A highlight this year was being interviewed by Joshua Rozenberg for Radio Four's Law in Action about PLP's Supreme Court intervention in *RR v SSWP*.

Being a JFF at PLP has given me the opportunity to experience a huge variety of work, from delivering training and organising conferences to researching and writing briefings, all while developing my legal skills as a barrister.

## Ollie Persey, Barrister



The Justice First Fellowship at PLP went far beyond a traditional pupillage in terms of the range of work on offer. There is a collaborative and incredibly supportive environment at PLP.

In the last year, my focus has been on PLP's work to protect migrants' rights after Brexit. I've also worked with Friends Families and Travellers and supported litigation brought by the Joint Council for the Welfare of Immigrants. I now coordinate our EUSS Support Hub.

Although work at PLP is varied, I also had the best possible "traditional" public law pupillage. In addition to being supervised by PLP's Legal Director, Alison Pickup, I was seconded to Matrix Chambers and took part in Garden Court Chambers' pupillage training courses. For my final case of pupillage, I assisted with PLP's intervention in the Supreme Court prorogation case.

## Katy Watts, Solicitor



I joined PLP in January 2015 as its first Justice First Fellow and in January 2017 I qualified as a solicitor. My JFF project was aimed at assisting men with historic convictions for consensual gay sex. Through the course of that work I became

aware that men with convictions for 'importuning' cannot receive a pardon under the 'Turing Law'.

I was contacted by Terry Stewart, who was convicted of importuning in 1983, which prevented him from pursuing his career as a social worker. Terry is unable to apply for a pardon and we are exploring whether it is possible to bring a judicial review against the Home Office for failing to include the offence of importuning in the scheme.

# How we monitor our impact

## Monitoring and evaluation

Our focus area working groups report directly into the Senior Management Team – with oversight by the board of trustees – against agreed goals and indicators. By working in this way, we are committed to a monitoring and evaluation (M&E) framework which gives clarity about where we are having the most impact and flexibility to adapt to the changing environment.

## Learning partners

PLP has been working with Professor Lisa Vanhalla and Dr Jacqui Kinghan of UCL as learning partners to identify ways of measuring the impact of strategic litigation and other types of legal support provided by our casework team. With our learning partners we have produced several studies to explore how public law principles and remedies can help charities to support individual beneficiaries and bring about long term and systemic change.

“We want to be accurate and reflective about the impact we have. With the support of funders and learning partners, PLP is helping to develop a wider understanding of the value of public law to society.”

Jo Hickman, Director, Public Law Project

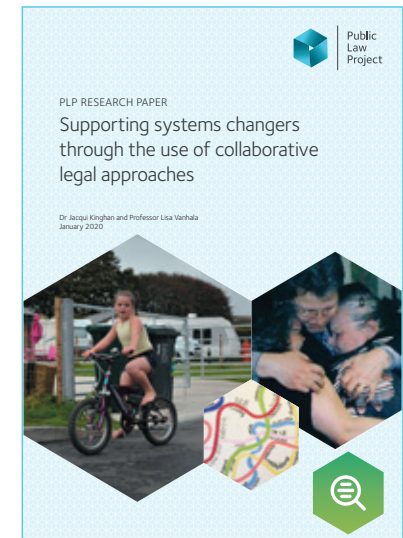
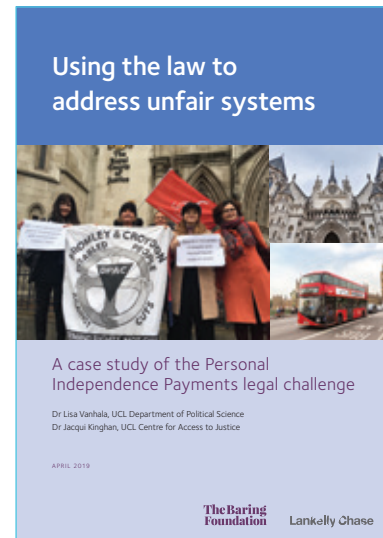


## Developing our monitoring and evaluation



“We are building on our existing systems to ensure that outcome indicators are built into all of our projects to demonstrate their likely impact. In 2019 we began work with the NCVO Charity Evaluation Service to pilot a new monitoring framework. We’re doing some important thinking in this area. Our ultimate goal is to provide a consistent approach across all PLP projects and to build a framework through which the M&E of projects ties in with the M&E of our strategic plan.”

Chris Igoe, Director of Finance and Administration





# Inside Public Law Project

**Behind the scenes we have been equipping ourselves to meet the challenges ahead by improving our internal processes and recruiting the right people and expertise.**

## Research

Since the appointment of Dr Joe Tomlinson as PLP's Research Director in 2017 and the publication of our research strategy in 2018, we have recruited four additional researchers who are supported by interns and partner organisations.

## Casework

In February 2019 we restructured the casework team and created two new lead lawyer roles to provide management and supervision capacity and expert subject matter leadership to support substantive focus area work. At the end of 2019 we started recruiting for our lawyer to be based in Wales.

Continuing our commitment to developing talent, we took on two pupils in 2017 through the Justice First Fellowship, both of whom are now qualified and working at PLP as employed barristers.

In 2019 we reviewed and enhanced our casework management processes enabling our casework team to run paperless files.



## Communications and back office

We made a significant appointment in the form of our first ever Communications Director, Luke Robins-Grace, who has developed our corporate communication strategy and has oversight of event marketing and fundraising. We also enhanced our back-office team, creating a new senior post of Finance and Operations Director and appointing a new Finance Manager and two Operations Officers.

## Office move

After nearly 15 years at 150 Caledonian Road, at the end of 2019 we moved to bigger accommodation in Goswell Road. The new office is accessible, has confidential meeting rooms and can physically accommodate our staff and support the needs of our team.



# Staff and trustees



**Adrian Lukes**  
Events and Resources  
Development Manager



**Alexandra Sinclair**  
Fellow in Brexit, Parliament  
and the Rule of Law



**Alice Welsh**  
Research Fellow



**Alison Pickup**  
Legal Director



**Amélie Godfrey**  
Events and Communications Officer



**Bijan Hoshi**  
Lead Lawyer



**Christopher Igoe**  
Finance and Operations Director



**Elaine Scott**  
Operations Officer



**Emma Marshall**  
Research Fellow



**Hannah Moxsom**  
Casework Paralegal



**Jack Maxwell**  
Researcher



**Jo Hickman**  
Director



**Joe Tomlinson**  
Research Director



**John Little**  
Finance Manager



**Katy Watts**  
Solicitor



**Luke Robins-Grace**  
Communications Director



**Matthew Ahluwalia**  
Barrister



**Molly Barr**  
Operations Officer



**Ollie Persey**  
Barrister



**Rakesh Singh**  
Solicitor



**Sara Lomri**  
Deputy Legal Director



**Sue Harper**  
Administrative Paralegal

◆ **Sarah Clarke** Project Solicitor

## PLP's trustees are:

Elizabeth Prochaska (Chair), Andrew Hood, Hollie Whyman, Bryan Nott, Mark Wood, Pavan Dhaliwal, Qalid Mohamed, Renata Czinkotai, Rosie McKearney, Sarah Burton, and Savita Narain.

Our thanks go to Ben Jaffey QC who chaired PLP's board from 2015 to 2019.

# Testimonials



**Estelle du Boulay**  
Director,  
Rights of Women

“With the help of Public Law Project we were able to support women survivors of domestic abuse and sexual violence to make applications for Exceptional Case Funding.”



**Emma Ginn**  
Medical Justice

“Public Law Project has defended access to justice for some of the country’s most at-risk groups of people, including those detained indefinitely despite no accusation of crime. These detainees include victims of torture and people who are seriously ill.”



**Svetlana Kotova**  
Inclusion London

“Public Law Project helps small third sector organisations like ours to understand the law so that we can support disabled people to enforce their rights.”



**Julie Bishop**  
Director,  
Law Centres Network

“Public Law Project’s intelligent, creative, and collaborative approach to our recent judicial review ensured thousands of people in crisis across the UK will be able to access justice and have a chance of not only saving their home but also resolving the problems that lead to the potential eviction.”



**Chai Patel**  
Legal Policy Director,  
Joint Council for the  
Welfare of Immigrants

“I am extremely grateful to Alison and Sara, and their team at PLP for the exceptional work they did for us at the Joint Council for the Welfare of Immigrants in a challenge to protect the rights of EEA nationals and their family members after Brexit.”



# Supporters and funders

PLP would like to thank all the organisations, including legal practices, chambers and voluntary organisations which have supported, sponsored or hosted us. We do not have space to name all individual donors, but this number has increased substantially over the last three years.

## Thank you!

### Funders

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