

**#PUBLICDISCO Special Edition: From Crisis to Empowerment**

**Speech‑to‑text transcript**

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# **Opening session: Is the law the answer to justice?**

SHAMEEM AHMAD: Welcome everybody. Thank you so much for coming today, as I said I'm the CEO of the Public Law Project, and I'll welcome you here today. This is the Public Law Project conference, and the theme is From Crisis to Empowerment, please use the hashtag, #PUBLICDISCO. The purpose of this conference is to showcase community activism on the part of antidiscrimination, I want to extend my huge thanks to the work of the committee of community activists, their experience in using the law to fight discrimination and uphold their rights and indeed all of our rights is really what underpins this conference, they provided invaluable contributions to the design of today's they are Ellen Clifford, I would like to thank Allen and Overy for their support and for hosting today's event.

       We all move through the world in different ways and experience types of barriers some views can be oppressive to others or feel exclusionary, even in that isn't the intention. I ask you to consider the well‑being of others at this event today when interacting. We are fortunate to have a trauma absolutely [inaudible]. I hope that we can build a place of trust and of learn.

       Without further ado, can Amanda and Susan can you introduce yourselves and explain a bit more.

SUSAN WINTER: We started in 2015, we didn't actually have a name for our group then, our co‑founder was doing... she, was being interviewed ‑‑ that's the one, doing research about women's lives in street‑based sex work, so through my connections I got connected with Emma and it started off there really. We met, we met every week and told stories about are life experiences on the street and you know, our experiences, and the multi disadvantages that we experienced.

       So, after meeting for about a year, wasn't it, we met every week for about a year and then did a book launch. From there it's, you know, it sorts of rolled on.

AMANDA HAILES: So my name is Amanda Hailes, my name is Amanda Hailes, part of Untold Story Voices I was volunteering for the organisation that was funded to do a piece of research, and Emma asked me if I would like to tell my story, and it's all right doing a piece of research, but who is going to ‑‑ you know, a very select few people are going to read it. We wanted our stories to be more widespread, to be understood. So, we decided, you know, we talked about how we could achieve that and how anybody could read what we have to say.

       So, that's where the idea for the book came in and like Suzy said, we met every week and there was, you were interviewed, there was 12 authors, and 8 of us for the core group who met every week. We metaphor lunch, we talked about our experiences, we had to get over what I like to call the 'bullshit and bravado', the bullshit is what you tell yourself, the bravado is what you tell others. Street‑based sex worker, comments like, "I wouldn't get in the car for any less than £60", it's just bullshit and bravado, if you are in cold Turkiye you get in that car for twenty quid. We had to get past that, we had to realise how special that was becoming, this was women's personal stories in their own words. We started gathering it all up into a book and when we said, you know, what chapters do we work, there was like about fifty different chapters, so we had to narrow it down, so there is six main chapters and the last one is Hope.

       During this process, umm... just collating and meeting, unfortunately four of our authors died.

       That was really difficult.

SUSAN WINTER: I thought every one of the authors might die, because they were sharing those stories, at the end of the day, but there was only me and Amanda that was left to tell our Voices. We wanted to ally people's struggles, you know, through life and what happens and we, we also wanted services to, you know, to give the women the support that they need.

       So, we... we know longer was working on the street anymore obviously, so we were able to tell our stories a little bit easy, because without that hanging over your head and the worry of the drugs and everything else, it's a lot easy to be able to speak, you know, and so on.

AMANDA HAILES: Just before we started with the book umm... when I was doing some volunteer work and Emma was actually working for this organisation called the White House Project, we saw a piece in our local newspaper, called the 'Hull Daily Mail', Horrible Newspaper. It Said, "Ordered Out", and it had five mug shots of five working girls and brief criminal histories and it, it was for the first time that the Section 222 was mentioned.

       It... I was so angry and so frightened for the women. Do you know, this is naming, shaming with photos. One of the women, her familiar disowned her because she, you know, she had been labelled and outed as a street‑based sex worker. Another lady, her son was bullied at school because of this article and it was one man called councillor Darren Hayle, it was, he wanted, he was talking ‑‑ because this was running up to the, we were becoming a City of Culture, during the bid he wanted to clean up the streets and this is his way. It was his ward, the red light district in Hull and had been since 2010, he labelled it, "Regeneration", we are talking about the poorest area in Hull. It's like you can't ban somebody from where they live, but that's what he was doing.

SUSAN WINTER: Yeah!

AMANDA HAILES: During this banning, like I was saying I was doing outreach, but there was no girls they were terrified of being name‑shamed and labelled in our local newspaper. They were down the side streets where there was no CCTV.

SUSAN WINTER: No lights.

AMANDA HAILES: It's like you are endangering women for a few votes, because that's what it came down to. One city councillor's need for votes.

       He kept saying, "Oh the community they are complaint about it."

SUSAN WINTER: There was [Inaudible] working girls, and women are so, so disadvantaged it's unreal.

AMANDA HAILES: Yeah, it was like... literally between the Hull Daily Mail and the councillor we had the label, "Prostitute", across headlines in so many stories because it sells papers. It's like why are you Dane j endangering women for votes and to sell a few newspaper.

       The lighthouse project, they said, no don't say anything, we don't want to rock the boat. It's like why don't you want to rock the boat you are supposed to be supporting these women, yet you are not even sticking up for them, you are not saying to Hull city council and the police, hang on a minute. Being told to shut up, I'm ashamed to say I did, I didn't do anything, I shut up.

SHAMEEM AHMAD: You didn't stop there, did you?

AMANDA HAILES: No.

SHAMEEM AHMAD: Let's get on to that one, how did the legal case come about?

AMANDA HAILES: We had so many meetings.

SUSAN WINTER: Yeah, we had meetings with Darren and Tracey who worked for the council. We were looked down upon, like we wasn't, like... the same kind of human beings like they are.

       They put an article in the newspaper and they said we were a, "Little group making a lot of noise", that's what it was about. With the 222, we thought we need to do something. Yeah. So, obviously when... when we thought about it, the things they were doing to the women was like, from ancient history you know, treating women so, so badly.

       Who put us in touch with the Public Law Project? Lane Kelly chase, they put us in touch with the Public Law Project and that's where it started. Obviously we had so many meetings with yourselves and we had to keep, it on hush, hush we couldn't say anything to start. You know it went from there.

       Instead of R v Susan Winter and Amanda Hailes, it was Susan Winter v Regina, it was a complete flip of the coin.

AMANDA HAILES: It's like we didn't want to take it to court, you know, that's just a terrifying prospect. We kept asking for meetings from the council, and we were going round and round in circles, and they were literally phone numbering us off, and we knew that they were trying to tell us to bugger off till the next meeting, and then they would cancel that, and it was like, but you're endangering women! And I can remember myself and Emma was at a meeting with homicide police, and it was some senior police officer and I had a list of police recommendations on how to actually -- street-based sex workers, and their recommendations and their guidelines, and I can remember having to tell this police officer what their guidelines were, and I said, you're stepping over this one, this one, and this one, why he was like, this is for the community, this is for the community Emma had lots of meetings about what you could do and me and Emma had a meeting with the police, by this time, the Section 222 had been in force for years, and we said, can you stall it, and have a look at it, and it was no, can't do that, can't do that, can't do that, this is for the community.

So we was in this big community, and they said that they were thinking about renewing it again and we said, in that case, we're thinking of taking you to court.

And they said, you do that.

So we said, we will do! And then we found out that they wasn't thinking about renewing it, they had already fucking renewed it.

This is how sneaky they had gotten.

And you've got a time limit if you want to challenge something like that. It's a three-month time limit. So we contacted PLP, we found out in the newspaper that it had been renewed, we found out two months into this three-month period.

SHAMEEM AHMAD: So they hadn't told you.

SUSAN WINTER: We did have a meeting with the police but they didn't want to meet us after that because there was some kind of --

AMANDA HAILES: Because we talked to PLP about the meeting where they said they was going to renew it, we had broken chat ham reduce -- house rules, and I was like, what the fuck are those but we were talking to lawyers about this, it's not like we phoned up the guardian. And we told them that we were going to talk to our lawyers, and so they literally cut us off, we don't want to talk to you, you've broken Chatham House Rules, and that's when the court case again.

But Public Law Project had a case together in a month because of the sneakiness, the nastiness of Hull City Council and the police, they knew that they were doing wrong, but they were trying to slip it under the radar.

And they did for two months.

And, you know, like, Public Law Project that's why I'm here because, like, if you asked us to do something, it's yes, we will, because you work so fucking hard. And that short period of time was so difficult. It really was, you know? We had to get our heads together as well, didn't we?

AMANDA HAILES: Obviously you don't understand all the pronouns, we had to get explained all the time, what does that mean, what does that mean, we had to educate ourselves.

AMANDA HAILES: During COVID. All the legal terms. It's bewildering. And the Latin. Why does it have to be Latin? And I would literally phone them up and say, what's happening?

SUSAN WINTER: We couldn't get legal aid, so [ inaudible ] said they would pay our fees, so PLP did a no-win no fee thing, which was fantastic, thank you very much, but in the end, we won our case, didn't we?

AMANDA HAILES: It wasn't for us that we were doing it, and that's why we couldn't get legal aid because we were doing on behalf of other -- and we could only do that because me and Susie have lived experience of multiple disadvantage and street-based sex worker and Emma was a psychologist, otherwise it wouldn't have gone to court, otherwise, you can't do it, this doesn't benefit you.

And I can remember when Kelly chaste said, what if it goes tits off, and I have to pay the legal costs, you said, I'll go to -- and I said, I'll go to prison, I don't care. And they said -- and they did, you know, which that in itself was such a relief, because then we could literally head forward full steam ahead, because if that -- if it's hanging over your head that you may be paying hundreds of thousands of pounds, you're sort of like, oh, maybe I shouldn't do that.

But it was a terrifying prospect.

>> It was terrifying because of the costs. What was it like representing community yourselves? Because you were the named claimants. So what was that like?

SUSAN WINTER: It really is empowering. I've never done anything like this before, never thought for one moment I would be doing anything like that in my life and moving forward from the court case, it's, you know, we've done an exhibition, the absence of evidence exhibition, which is what you're seeing up there at the moment, we took pictures of the places for these working girls and tried to, you know, bring more light on it.

We've also, we have funding from -- so we can support street-based sex workers, we're proper activists now, so I'm glad to put that on my job title now.

AMANDA HAILES: Also, during the court case, it wasn't just our evidence that we were going to read but their so-called evidence and they had lots of complaints from the community. In fact, it was seven, zero seven complaints. And we found out, even Freedom of Information, you know, we had to go down that route quite a few times because they wouldn't tell us anything and they would delay it, and there's a certain cutoff point where you're supposed to get that information in a timely manner and they would drag it on and on and on, and we realised how bad it had got when a BBC reporter, we put a Freedom of Information request in, hadn't heard anything, they put a Freedom of Information request, heard back, and we're still waiting for ours. And it was like, you can do it for them but not for us. And you can remember reading about -- so seven people complaining about, you know, street-based sex work in the red-light district, that's what happens in the red-light district and the top complaints were, horses and ATVs. I remember that, because my brain works a bit weird. So I imagine riding an ATV shouting all right at the working girls. And it's like, horses are complained about more than sex workers. So why are you doing this?

>> We're not banning horses.

>> And ATVs are a nuisance but it's not splashed across the front page of the Daily Mail, you're not endangering people and women, and there was this, one woman, and it was a hate mail campaign, and he was the one who was saying that they were spreading like vermin, I remember reading that, and crying my eyes out on the stairs, going, we're not vermin, we're not vermin. And for them to use that as an evidence for the banning order is like, how can you do that, this is hateful. And I was so look forward to going all the way in the course case so that everyone can hear the evidence and how nasty and hateful it was, but they U turned halfway through the court case.

SHAMEEM AHMAD: So you talked about the court case, you talked about how you won, let's talk about what happened in between. You talked about that U-turn. You started it, what was the U-turn?

AMANDA HAILES: They thought we would give up. They thought if they dragged it on and on and on, and it was during COVID.

So a lot of it was over the phone, Zoom, teams, whatever, we were waiting for them to sign a piece of paper, they had until midnight on a piece of paper, we were sat at Emma's, five to 12, still sat there, midnight, waiting, waiting, and literally 30 seconds to midnight, they sign it, it was things like that. Them sort of tactics to dishearten us and it was like, no, we're not backing down, and we would say, neither are we. And it's that staying strong.

SUSAN WINTER: Most definitely. You've got to just stick with it.

You know? Just believe in what you need to be doing for the betterment of other people. Most definitely.

It was daunting, it was really daunting, obviously because there's a lot of legal documents to read, just so much paperwork that you need to read, I didn't realise, on that side of things. But we've done it, and we've carried on, and it's been an experience. It really is empowering when somebody gives you the tools to make life better for other people. It really is great. We love this.

>> And it's like, all the way through this court case, there was one and a half words that got me through it, which was, fuck em. I remember Hannah, she had to take my personal story and I don't know if you notice, I swear a lot.

And my views on Darryl Hale are very strong, I can't stand the man.

SUSAN WINTER: He would come in, he would spread his legs.

AMANDA HAILES: Doing his business. He's a real prick. After a meeting with him, I came home, and I was just -- I sound like dastardly. And I was ranting like mad. And my husband looked at me and went, "You've got a nemesis." Oh my God, I have, and I was so excited. I have a nemesis, and I'm fighting him, and I'm fighting him in court. He was the face of it, but it was whole Hull City Council that we were fighting. It's an authority.

It's a whole big authority.

And, like, the only cases where people take Hull City Council to court are compensation courts or because some trees are getting cut down, and we were taking them to court for street-based sex worker and not for us but for other people and that empowered us as well, doing it for others.

SUSAN WINTER: It's really empowering doing thing for other people, when you've lived a shady life, but it's lovely how everything, including the court case has turned both me and Amanda's life now. We travel up and down the country, all off the back of the court case.

AMANDA HAILES: I was the member of the group who read the whole Daily Mail and I was like, oh, I'll read it to find out what Hull City Council, so I would read the paper to find out what they were doing, what the police were doing. And every time I saw the number 222, my stomach dropped. And it was, "Oh, my God," because it was called Section 222 and then I noticed that in my most despairing days when I thought, this isn't going to work, this is really hard work. I can't do this, I can't read this, I can't cope with this, I would see the number 222, and so now that number is almost an empowering number.

SUSAN WINTER: Like a sign to us that we were doing the right thing obviously with yourselves.

AMANDA HAILES: And we got out of the taxi, and right out there, I've got it on photographic evidence, 222. And it's like, there it is again! So we text photographs of that whenever we can, and it's on our website, even, because to me it means something that you need to fight for because in your heart, you know it's right.

Something that you fight for others that can also empower you. That can also empower you. Yeah, so it's about turning something so negative into something so positive.

       I remember the bad days but I remember the good days as well, when it's sort of like, yeah, this is, this is, you know...

       When we say to the girls now, do you know, because obviously we still go talk to them, it's sort of like, they know that we're the ones that stop this banning order. It's like, how the police are treating you, "Oh really well." It's like from that to what it was, it's just worlds apart.

SUSAN WINTER: Knowing doctors, and the police and the Council, we have a Flip meeting, finding ways for lived experience of policy and practice, we came up with this, [Inaudible] which was really, really hard to get your mouth around, so we decided to call it FLIP, it's great, off the back of the court case, this is what we are doing now, we have meetings every three months, every two months, yeah, three months. We do outreach, we bring the girls' problems to these meetings now, we are making Hull a trauma‑informed city, which is great.

SHAMEEM AHMAD: So was the twelve o'clock e‑mails, talk to me about the settlement, so what happened around that, how does it feel settling out‑of‑court rather than taking it all the way?

AMANDA HAILES: I'd already decided that I was going to court.

SHAMEEM AHMAD: Really?

AMANDA HAILES: Yeah, that's how much I wanted to fight! So it was quite difficult to sort of like, this is so far as it's going, they have done a U‑turn, you know, they have withdrawn the Section 222, yeah, it was like can't we make them go to court.

SUSAN WINTER: Yeah, it was slightly disappointing that they settled out‑of‑court, we wanted to stand there and...

AMANDA HAILES: Yeah. I wanted others to know what was in them documents, like we knew, because it was hate crime. You know, them e‑mails, that man should have been arrested for hate crime, instead it was used as evidence in their court case and it was like, how can you do that?!

       I wanted them to know how shady and under handed it all was. I was a little bit disappointed, but you have to take your lawyers advice! [*Laughter*] .

       It was like, and then they said, oh well we'll set up like 70,000, something like that wasn't it.

SUSAN WINTER: A little bit more I think.

>> I can't remember the exact costs but there was a bit of a battle.

AMANDA HAILES: Yeah, I was going no, get the whole lot of them, get the whole lot of them, I want them to pay up.

       That meant that that £70,000 couldn't be spent on our city. Now, if they had just done the meetings in the first place and not, you know, dicked us around in them, that would have saved us so much trouble and trauma and you know, the women who were getting these banning orders ‑‑ I remember one girl coming up to me doing outreach, because they don't interact with the services, you know that were providing support in case the police sort that and then gave her a banning order. It's like they're not even interacting with, you know, service providers here. This girl, "Oh I've got a banning order", she showed me it was a map with a line around it, where she wasn't allowed to enter that zone, "But I live there!" It's like, I don't know what to suggest. But they didn't take that into account. Know, they didn't ‑‑ we kept saying to them, "Oh but it's for the community." These girls are part of the community! They just... like I say it was one man's twisted, political game.

SUSAN WINTER: Yeah, because of the court case I actually, a friend of mine, I was close to, actually got a banning order and I actually represented her in court because I'd been in touch with PLP and felt that much empowered, I stood up in court, and it was like, well a you know, this is what you can do when you use the law to advantage yourself, empowerment for small groups that, you know, not got funding and want to challenge other people, like councils and so on and so on, you know, the word needs to be put out there, it's really, really empowering.

SHAMEEM AHMAD: That's amazing thank you. So what is your relationship with the Council right now? It sounds like it's better, with the...

SUSAN WINTER: [Inaudible]

AMANDA HAILES: It is so different, I can remember when, because the court ordered them to work with us.

SHAMEEM AHMAD: Right, that's interesting.

AMANDA HAILES: As part of, yeah.

SUSAN WINTER: Part of the settlement wasn't it.

>> Which is something you wouldn't have gone [Inaudible]

AMANDA HAILES: Sometimes there is a non‑disclosure, this didn't have a non‑disclosure, so we can talk about it whenever we want to.

       You know, we gave as an example of how it can, how it, you know, how it is bad, but then the flip‑side of that, with the flip meetings, how it is good. We literally, you know, we are talking, we know, not the woman who works in the local housing office, we're talking high up people of the council. You know, the, you know, managers of housing, the police, high up, so it's not PC plod, it's you know the higher up people. They come to our meetings, we have found it's not just them meetings, they realise that we have lived example and we are not going to shut up. They, we end up in a lot of meetings don't we.

SUSAN WINTER: Yeah, it's a buzz word in a lot of cities now, they want 'lived experience', on hand to tell people what it's like.

AMANDA HAILES: Yeah, so you know, I've done some work with Yorkshire Ambulance Service, around homelessness, the same people are coming into the meeting and it's like we hug now, we say... I always big them up on the fact that they have turned it around. They fucked it up, they realised that, and now they are literally, they are with us turning it around.

SHAMEEM AHMAD: They know you are part of their community and they treat you like that, yeah, yeah.

AMANDA HAILES: The women aren't getting arrested, if they are being antisocial they might get a warning or whatever, but they're not arrested for solicitation. That was another thing, interesting the worst days of the Section 222, there was a sign put on lamp posts.

SUSAN WINTER: Saying prostitution is illegal when it actually isn't.

AMANDA HAILES: So solicitation and kerb crawling are illegal, but not prostitution. So, the sign itself was illegal, you know,.

SUSAN WINTER: It was the council who put it up.

AMANDA HAILES: Yep, it had the logo and Humberside Police logo and we kept saying your sign is misinformation, they didn't take it down straight away, which annoyed us.

SUSAN WINTER: We wanted a ladder to get it ourselves.

AMANDA HAILES: And we extra tend to get a ladder and take it out, then two days later they had been taken down. The fact that we had to threaten and fight them is disheartening, you know we are members of Hull, they didn't want to know and now it's different. They invite us to other meetings like Suzy said, we are involved in becoming trauma‑informed Hull, we have been involved in that from the very start.

       It's like ‑‑ I can remember... Emma had done, we talked about a 'tree', and how if you have lived experience, that's the sap of the tree, that works through the tree and it produces good fruit. If you poison the fruit, it poisons the soil and the growth stints. Yeah. That's, that is borough authorities and that. We had to try and explain this to Hull city council, you know Council workers and Humberside Police and they just couldn't grasp this concept of, you know, to get good out of the community you need it to be fed well. The sap needs to run through it all. So we drew, Emma drew a picture of a tree. She showed how sap moves through the a tree! We laminated this thing and put it on the table, they can see this, you know, it's as simple as that.

       I was in a meeting, trauma‑informed Hull and their logo is a tree ‑‑ I wonder where you got that idea from!! Because it is the growth and the roots are key to it all, the roots are just as big as what you can't see underground. You know, so, yeah, it is... it is, it has been an incredible journey, literally. I'm really proud of our little group.

SHAMEEM AHMAD: You should be proud. Where was your support in all of this, because, so part of this audience is thinking about, okay, there might be something going on in our community that we want to get behind. Where was your support.

SUSAN WINTER: We supported each other to, you know, yeah...

SHAMEEM AHMAD: Just like fuck 'em.

SUSAN WINTER: Yeah, it was like fuck 'em, what's it all about. It's been really empowering going to court. You know, being on the other side of the coin you know, I've done time in the past, for my behaviour, and you know to be on that other side and to win your case, out‑of‑court, which is great, thank you for everything on that, you are wonderful.

       Yeah, we supported each other. I think we have a little bit of funding now, but in that funding there is, there is a thousand pound care. So, if we need a little bit of time out we can go and get time out, go and spend a night in the Airbnb, do foot massage, we support each other, if we need outside support we can get it.

AMANDA HAILES: I think phoning PLP constantly, that was... because some... like when I was getting in trouble with the police and I needed to sign anything, my lawyer used to go, "Sign here", I didn't even read it, I would sign it and bugger off to sit down and read every single legal word, you know, this isn't about me going to prison, this is about other people. It was like, I don't understand it, and then I would phone up Emma and say, "What does it mean", "I'm not too sure", then I would phone up. It was like ah... it was phoning up and saying I don't understand this, what does this mean? It's like... you need that, that kind of legal support as well, do you know. You need to, a good team around you. If it weren't for Suzy and Emma, I couldn't have done it on my own.

SHAMEEM AHMAD: Right.

AMANDA HAILES: It would have been too overwhelming.

SUSAN WINTER: Emma is a psychologist by the way, she's very good.

AMANDA HAILES: You also need good support from your legal team as well, you know, good advice which we got, do you know. I think that was crucial to the whole thing, is understanding what you are being sent in a document.

SHAMEEM AHMAD: Yeah.

AMANDA HAILES: You are the one who is signing it at the bottom. If you don't ‑‑ you know. Don't be afraid to go, 'I don't know what that means, what does it mean?' because when, you know, this is, if you are fighting for somebody, especially somebody's life you need to understand what it means, and that, unless you do you can't be empowered by something if you don't understand it. You need to understand it to be empowered by it.

SHAMEEM AHMAD: What would you tell other activists in the room? If there was anything in this story that you wanted to get across to people, what would it be?

SUSAN WINTER: Stand your ground.

SHAMEEM AHMAD: Yeah.

SUSAN WINTER: Stand solid.

AMANDA HAILES: Yeah.

SUSAN WINTER: Believe in what you are fighting for and go as far as you can possibly go.

AMANDA HAILES: Yeah.

SHAMEEM AHMAD: What would you tell the lawyers? Now, what I'm conscious of is that you worked with PLP, let me just say this from the outset, you are not going to upset us, not in anyway, not in anyway, I wasn't even here at that time!! This as you said from the outset a learning space. There are lawyers in this room that might want to represent people and you talked a lot essentially about power dynamics, I guess what would you say to the lawyers in this room, how can they better support?

SUSAN WINTER: Make sure you listen with, with all your senses. Yeah. Listen, listen with your heart, not just your head as well, you know, the understanding. Take the time to hear what people are saying. Yeah, most definitely.

AMANDA HAILES: I also think, you know, if I was a lawyer I'd be, you know, asking do you understand what you have just been sent? Don't be afraid to ask them and encourage them to ask you, you know, what the hell does this mean.

SUSAN WINTER: Use less acronyms! [*Laughter*]

SHAMEEM AHMAD: I'm dyslexic I can't understand what most of them mean, so I agree with that.

AMANDA HAILES: I think just a phone call, you know, it doesn't always have to be about documents just sent or legal, just how are you doing. You know, I would encourage lawyers to do that as well. I think it, it does take it out of you, you know. To fight every single bloody day, some days all day long is really hard work. So, just a phone call going, "How are you feeling, is there anything that you are concerned about." I think that's really important as well. So, so make it more personal. I think when it's all, you know like... I think that's really important as well, to make it more personal, because when it is all -- I couldn't even read most of it. Having to Google shit and what the hell does that word mean, and you can feel othered, you know? And you can feel out of it, and you start thinking, "Am I stupid because I can't understand this document?" Can I not grasp it, because I haven't got the brains to grasp this? And you know, I think that is really hard -- try to narrow that down, as a lawyer, try to narrow it down.

SHAMEEM AHMAD: Thank you, unless there's anything else that you want to say to the audience, I'll open it up for questions.

SUSAN WINTER: Thanks for listening and laughing at us, it's about the joy that we can get out of life now obviously by helping us.

AMANDA HAILES: Thank you. (Applause).

SHAMEEM AHMAD: I think we've got roving mikes --

>> I was just interested to know, how did the four authors actually die?

SUSAN WINTER: Through systematic abuse, people died because of major health problems. There was no overdoses or anything like that. But just general, people abused themselves for so long, they passed away. But the rest of us are all healthy now. We're at the gym and so on.

>> Thank you so much, it's wonderful to hear from you guys, I was wondering if you had broader lobbying interests in pushing for decriminalisation, legalisation, stuff like that.

SUSAN WINTER: Absolutely, wherever we can add to it ourselves in pushing forward and so on that would be great.

AMANDA HAILES: We're against the Norwood model, because that causes danger but we're into decriminalisation, I think that's the way to go. We also fight for practice change. Services often are gentlemen judgmental for working girls and a lot of the time, they just need to make very small changes that would make big differences. We encourage that as well. We're not asking for the world to turn on its axis differently, it's just tiny little things to make massive differences in people's lives.

And we're just fighting, you know?

And we often try to bring street-based sex worker in our exhibitions to a creative space that don't normally hold that. This was during COVID, as you can see, we've got a [ inaudible ] it was going to be in galleries but the people that we wanted it to reach don't often go in galleries.

So it was like, "Well, COVID has happened, -- well, no, it's important, we'll do it on the streets, and that's what we did. We did it in Hull, bus stops, London, mega big boards, advertising boards. We actually won an worried, it's a bit random but it was a not-for-profit advertising award. We wasn't advertising. But whatever.

It was billboard, massive ones, though. We wanted the whole of Hull to see it. I think Shoreditch, we did it there, there was different areas of London we did it in. We also did a standing exhibition with the big photograph boards. That was really empowering because we did a 14 minute silence, for 14 who passed away. And we were holding the boards, and people were just walking around in silence reading the boards.

The quotes, she got found on [ inaudible ] one of the girls that had been murdered.

So people were walking around, and, you know, we were holding our 14-minute silence, and they were looking at the exhibition in silence and just that power, you know, it was pretty amazing.

We didn't get heckled too bad.

SUSAN WINTER: There was one arsehole asking Emma how much she margined, there's always one. And after COVID, we did the exhibition in Umber street gallery where we did our timeline of stories.

>> This is a timeline -- we'll try to get in everywhere.

>> Do you think -- I'm going to ask two questions. What made you include the psychologist, and do you think it has helped?

SUSAN WINTER: She was the key from the start, she was doing the research, Emma was doing the research to start with, she's very genteel and giving, very loving. She really supported me through a dark time in my life but before this, I find done a dispatch programme on Channel Four, that was soul destroying, but psychologist, Emma is a psychologist but behind that, she's a person as well.

Yeah.

AMANDA HAILES: We were lucky to have her, she happened to be a psychologist.

>> What made you think to include her and then do you think that she added something in the sense that made people listen?

AMANDA HAILES: I think her professionalism and the fact that she had interviewed so many of the women to begin with. During the court case, her -- she was a psychologist, she had done research around the topic of street-based sex work, multiple disadvantages, and I think her expertise added another layer to ours so I think it was the combination of the three of us that was a really good fit for everyone.

>> Can I just say it was Emma's that created the Untold Story voices through her research and her asking questions that got the group together.

>> The book was An Untold Story because light [ inaudible ] funded the research -- donation in the back of our book.

None of them want to the girls, and they wouldn't tell us how much they got, they kept our book but they didn't want to be associated with it. Is that's why we've become An Untold Story voices, because we've got the voices.

>> Sorry, I've got two questions, you can pick one. You don't have to answer them both. But did you ever think during the process, like, what happens if we don't win, I guess, there's lots of amazing causes that don't win in court. Did you ever think, what do we do if in the process, did you ever think what happens if we don't win, and the other question was about the collective writing process that you were doing together, and if you have any other tips for groups that want to collectively go together?

AMANDA HAILES: Two good questions. I think the creative process I think is quite difficult.

Creative process was quite difficult. Like Susie just said, we supported ourselves through that, and because the girls were dying one by one, that became traumatic in itself. And I was like, do we continue this? And we were thinking, we need to continue this, their voices need to be heard. I encourage this, because I'm really proud of what we achieved in this book, it's a beautiful book.

I've go to one of them square codes, the book is online on our website and you just accept the cookies and flip through. And everything is in our own words, we didn't tell our story and someone else wrote it for us, these are our stories, our poems, our prose. So I really do encourage groups, that in itself was empowering.

SUSAN WINTER: As far as losing the case, it wasn't going to work, we had [ inaudible ] working for us.

AMANDA HAILES: I was willing to go to prison, so ...

>> Thank you so much for sharing your stories, I wanted to ask, there have been movements towards unionising sex workers nationally, and I was wondering that's a conversation happening within the women in Hull on a local basis or you're looking at national unionising campaigns.

AMANDA HAILES: We focus on street-based sex workers, and trying to unionise street-based sex workers would be incredibly difficult. There are organisations that have one or two but the majority are indoor workers who are more pronounced in that sort of world.

Street-based sex workers just getting them to talk about anything is very difficult, getting them to come to meetings is incredibly difficult.

They've got their own lives they're trying to survive the streets. So to get them all joined together is really difficult. And that's what made our book so special. But most of us had stopped street-based sex workers who wrote the book.

So active street-based sex worker is very heredity to get them all together.

>> I think it would be a great thing to unify indoor, outdoor street-based sex workers, indoor workers because it would stop the brothel madams charging so much for these girls and, you know, having a high life off the back of these girls which is something that I don't agree with.

>> What do you think needs to happen to empower street-based sex workers to collectively fight for their rights?

AMANDA HAILES: I think the decrim recruit to cut out the labelling and finger pointing and blame. A lot of women, if you talk to anybody who's a street-based sex workers, it's not just street-based sex worker that they're going through, there's addiction, childhood trauma, sexual trauma, homelessness, there's so much that that woman is facing, yet we always focus on the street-based sex worker part of it. I was more than a prostitute, it's as simple as that.

I was labelled and you're a drug addict, you're a criminal. You're scum.

Even in books and on TV, we're so misrepresented, you know? We're either a tart with a heart or victim number one, two, three, four, five or six.

It's either one or the other. It's always black and white, nothing in between.

That's why we're so passionate about bringing it to the forefront, when we first started out, we had to use fake names, and I'm proud of the work that we did in our book but we had to use a pseudonym and I was asked to speak at an event, and it was like, would you like to wear a mask, no, I fucking would, would you like to use a fake name, no, I wouldn't, if I'm going to shatter stigma, how can I do that in a fake name and a mask. I'm not the face of street-based sex worker, I'm a woman trying to get a message across.

Just like Susie is, our aim is for one or two people in the audience to go away, and think, that's changed my perspective.

Perhaps I'll pat Susie on the back. We've done a good job there.

SUSAN WINTER: We did the expect citizens conference, so I would take that label.

>> Also getting lived experience in meetings with the council, with police, getting our voice heard, and homelessness through to trauma to everything, this voice needs to be heard, it doesn't have to be mine or Susie's voice, any voice of lived experience needs to be front and centre at the table.

>> Thank you for giving us the empowerment, PLP, we really appreciate it. Along with ourselves, but it certainly helps.

>> It's really bizarre, when you say thank you to the PLP, I feel a bit choked up, as people who know me know, I cry at the drop of a chat. I'm hugely proud of the fact that PLP got to work with you, and I've been so curious to hear these stories since I started last year, and to hear it directly from you both is to meaningful I'm feeling far too excited.

Thank you so much for opening today.

(Applause)

# **What the f\*\*\* does that mean? A beginner’s guide to judicial review**

AOIFE O'REILLY: Hello. Okay. Okay, great. I might kick off then. I'm really delighted to be at this conference today, I'm Aoife O'Reilly, a solicitor with the Public Law Project. I'm Chairing the second session of the day, entitled 'What the f\*\*\* Does That Mean', it's a title I came up with, now I know exactly where it came from, my granny didn't like me saying, but we have all been, the f word has been used and it's definitely in the context of the panel that we're on today, it's really important to acknowledge, as Suzy and Amanda did that the law can be very othering, it's very structured, it's old, stuffy in many ways, so it's important that we acknowledge that, particularly when we are working with lots of people in the room today who have all the great ideas, know how to represent their communities, but as Amanda and Suzy have said, hopefully we will continue to grill them, they have kindly agreed to be part of this panel, it's important that we recognise that as lawyers that we are empowering others and giving them the help they need as well.

       This session as, the first is to try to demystify a bit when we are talking about judicial reviews claims what does that mean, we have Unkha and Darryl who are giving a judicial review master class, we've get then twenty minutes to do it, it's a tough ask, but I've no doubt they will do a brilliant job.

       The purpose of that is to give anyone in the room who isn't familiar with judicial review some of the words that might come up throughout the day as well, hopefully it will be an informative session for anyone not a lawyer.

       The second thing I would like to do with the session, is talk about how lawyers think about judicial review claims might need to change if The Claimant is brought by an individual, or on behalf of the community or where there is a campaign involved, how the considerations might be different in that way. I'm grateful to Hannah for agreeing to speak about her experiences as a solicitor from that perspective, and as is mentioned already, Hannah was part of the legal team that advised Voices on their challenge, Hannah will speak a little bit about that, I'm delighted that Amanda and Suzy have agreed to be part of this panel as well.

       Originally and to help me thinking about this panel, Ellen Clifford was going to be joining, Ellen sadly can't be with us today anymore, but she, but her, she is a disability rights activist and does a lot of campaigning work, so she's giving... so we will have thoughts on those key points as well.

       So, the session is scheduled to run for an hour, so we are starting a little bit late, suppose to finish at 11:45 let's see if we can still do that, I know everyone will need a refreshment before the lunch break, hopefully people will have time to grab one, you will forgive us if we cut into the next break, everyone will speak for roughly ten minutes and we'll have questions that end, I think it's better to keep questions to the end after everyone has spoken if that's okay: I'll stop talking and let the panellists too their thing I'll briefly introduce everyone you haven't heard already, I'm not going to introduce Amanda and Suzy again, I feel like I know them very, very well, firstly we have Unkha Banda, a solicitor, specialising public law challenges, specialising in immigration law and instructed in asylum cases and settlement scheme cases and she has an interest in using strategic litigation for social change. Darryl is at matrix chambers, covering many things, employment and discrimination law and in the judicial review context, claims against education, involving education, Universal Credit, other benefits, asylum and immigration, policing and national security.

       So, I mean, what is he not interested in! [*Laughter*] Well yeah, we'll see.

       Hannah is a solicitor, Public Law Project, as you know, she has lots of experience acting for individuals... I would like to introduce her anyway, she's helped us with thinking about this panel, so the disability rights activist, coordinator of the UK DPO, member of the national steering group for people gets cuts, D pack, the author of the war on disabled people, the making of a human catastrophe. I'm going to pass over to Unkha, who has a short presentation she's going to talk us through.

UNKHA BANDA: Let me know if you can't hear me. Yeah, hopefully. So my name is Unkha, I'm a solicitor at Deighton Piers Glynn and I work in immigration law, I'm interested in issues to do with migrant writes. Quite a lot of examples am going to give in this talk are in that field but you probably have examples that will come up.

       I have a fun task of giving an overview of judicial review in ten minutes, a lot of things have been cut out. I'm quite happy to have a much broader discussion later on or in the Q&A if people have any questions or want to know anything more about specific things that are raised.

       I also just wanted to add that umm... a lot of the work that we do at DPG is to help people in the community and NGOs with issues that are coming up.

       So, the work that the areas of work that I'm interested in seem quite broad but actually a lot of the work I do comes from referrals from NGOs and organisations, so I think the work that is being done by all of you in this room is fantastic and really helpful, the work I do I just see it as part of helping raising the issues you guys see today.

       In terms of an outline of what am going to go through. I'll try to keep it as brief as I can, as I said, a lot of things can't be covered today because it's a massive topic, with a lot of red tape, which to be honest I'm still getting my head around.

       I think before going through all the different areas, it will be trying to talk about why we actually need judicial review, those of you that went to law school, or have heart of this concept, the idea one of the foundations of our democracies is meant to be the balancing of powers, institutions of the State and to work in a way where does not have more power than the other.

       It's ironic talking about this now, the government that we have is acting in quite an authoritarian way, where they want to do what they want to do and if the law tries to stop them, they just go back to Parliament, and try and change the law.

       The way the system is meant to work is no one should be above the law and if the government is doing something that they are not allowed to do, the courts can step in and reign in that power. Judicial review is an important part of that, through this process we can question what the...

>> As I have said, a lot of things can't be covered today because judicial review is a massive topic with a lot of red tape which to be honest I'm still getting my head around after years of doing the work but I think before starting to go through all the different areas, it's interesting to talk about why we actually need judicial review, those of you that went to judicial review or have heard of this concept, one of the foundations of our democracy is meant to be the balancing of powers. So the institutions of the state are meant to work in a way where one does not have more power than the other. It's ironic talking about this now because the government that we have is acting quite in an authoritarian way, where they want to do what they want to do, and if the law stops them, they go back to parliament, tighten the reigns, and change the law, the way the system should work is nobody should be above the law, and if the government are doing something they shouldn't, the courts should step in, and the judicial review is part of that, because through this process, we're able to enforce the laws that are meant to be complied with.

It's also important to mention that, yes, I am a lawyer and I do love my job but there's a lot of limitations in what the law can achieve and what judicial review can do and I will go into this a bit more but I think the arguments that you can make are quite limited, the remedies that you can get are also quite limited and I think the law for me is an important aspect of a bigger matrix of trying to effect social change and that should include things like campaigning and lobbying and, yeah, I think sometimes when -- I know I'm guilt of this as a lawyer -- sometimes we give the impression that the law is everything, but I really don't think it is. In terms of what judicial review actually is, it's the process -- it's a legal cases where a judge or judges will basically consider whether a decision that's been made is lawful.

And a really important thing to keep in mind is that the judges will not basically look at the original decision and decide whether it was right or wrong. They look at the decision-making process. So the idea behind it is that they will just review whether the steps taken to make the decision were the correct ones or the ones that they were meant to take. Judicial review can only be brought against public authorities. So that can be local authorities, government, and, like, their linked ministers, police, regulates and health authorities.

Generally speaking, you can't really bring judicial review against a private company unless they are in the context of privatisation and they've been contracted to do something that public authorities are meant to be doing.

Also important to know that judicial reviews are meant to be cases of a last resort. If you have other options available for challenging those decisions or things that you are thinking of challenging, you have to use those first. You can skip them if there's an argument to be made that they're not effective. They won't give you effective remedies, for example, if a complaint procedure is going to take so long that by the time it is decided, a lot of issues would have come up, then you can go to court and say, "We couldn't follow this process, and we had to do this instead."

The next big question is, who can bring a judicial review.

And so this has to be someone who has a sufficient interest, it can be an individual, it can be an organisation.

Or it can be a group of people.

But I think the thing that's quite key in this area is that the courts are quite -- I'm holding myself back -- are quite reluctant to allow organisations to [ laughter ] bring cases on behalf of service users. They generally prefer if the actual service users themselves bring the cases.

And so normally it's easier for organisations to join cases as interested parties or intervenors rather than the case is brought by them directly.

But there's obviously circumstances as mentioned before, if people impacted cannot bring the case for one reason or another, that's a good case for why an organisation would need to do that.

Yeah, I think judicial review is quite a popular and I feel like quite a sexy area of law now. Everyone is bringing judicial reviews, we've gone from prince harry to the home office, stuff about asylum support to friends of the earth about climate change and things about daily chess. And that shows you the breadth of issues that can come up in judicial review and why it's so interesting and important in terms of a legal remedy for things going on. I guess also this introduces us to the breadth of things that you can actually challenge via judicial review. It can go from decisions to actions or failures to act bay -- by public authorities and in terms of the things that you can challenge that they're doing or not doing, it's their failure to do something that they were created to do and I think that's, yeah, that's an important thing in terms of considering whether to go to court or -- on a particular issue. I've already touched on privatisation but just to emphasise that nowadays, increasingly the government or public authorities are outsourcing somebody else functions to private companies -- some of their functions to private companies and so when those companies are carrying out their work, their behaviour is also governed by public law principles. So if they do something that they're not allowed to do, you can bring a JR against that as well. And, now, for the fun red tape bit. There's quite a few stages to JR but I've kind of broken them down to the key areas. The first one is called the pre-action stage. And this is the bit where you're setting up the case and trying to resolve the matter before going to court. The idea behind this is that if you are able to resolve the issue, then you'll obviously save time and money and don't necessarily need to take up the court's time in dealing with the issue. And the courts are quite keen on assessing whether or not you've actually complied with the -- a number of steps that you're meant to take before you go to them. In the pre-action stage, a letter has to be sent to the public authority basically explaining why -- explaining the issue that has come up, why it's a problem and why it's unlawful and then explaining their -- the remedies that you want to get out of this. You're meant to allow them 14 days to respond. This can be reduced depending on the circumstances, there's obviously extreme cases where, for example, if someone is going to be made homelessness within 24 hours, you don't have to wait sh-- 14 days in that situation, you can give them an hour or two based on what's going on. But you have to explain those reasons in the letter as well. And flag it to them because quite often, the Home Office will just ignore things.

And if you fail to comply with what the rules say about the pre-action stage, there can be consequences. I guess, if you fail to comply without good reasons. It's always good -- it's always important to follow what the rules say at this stage because it does come up in court later on.

Once you've gone past the 14 days, the next step is issuing. And at this point, I guess, the key thing would be to consider that you have to issue the case in the court nearest to where the people that are impacted are. I guess, luckily for me, most of my cases tend to be in London because we're based in London and a lot of our clients are too. But there are a lot of other courts spread across England and Wales. You also, if the case is particularly urgent, you can flag this with the court and use a procedure for getting the court to look at the cases much more quickly than normal time frames but as you can imagine, the court doesn't take it lightly when you flag a case as urgent when it isn't. You have to consider how urgent it actually is. It seems obvious but a lot of sometimes someone will understandably feel like their situation is extreme and they need an answer quickly but there's guidance on what the court will consider to be urgent and as I said, the case of someone being made homelessness within 24 hours, that's quite clearly urgent.

Once you've issued the case, the other side has 21 days to file their response. Again, you can ask the court to reduce this if the case is urgent. You can also ask the court to look at the case in what's called an interrelief application. They can look at the case much more quickly before actually -- they can look at -- giving you a remedy quickly before the full case is actually considered and, again, I keep giving the homelessness example because it's just at the front of my mind now but if someone is being made homelessness in 24 hours, you can raise issues in terms of the decision-making of the local authority and make an application to the court to say, we want them to be accommodated immediately before you even consider the bigger case. So the court will do that and then the normal timelines for the responding and the court looking at it will then kick in. Yeah?

Sorry, I have to hurry up. Yeah, once you've issued, then the court considers if you have an arguable case, that's called the permissions stage, and if you pass that, but it's still arguable -- there's still things that you need to deal with in the case, you go to a final hearing and then you get a decision at the end. I've kind of touched upon this already but, yeah, on the slide is just a list of the remedies that you can get. Really importantly, the court has discretion on what remedies they can provide you. So even if you're asking for a particular thing, the court doesn't necessarily have to give you that. They can choose what they want to give you as a remedy. As mentioned before, the law is quite limited in what it can achieve and this is one of the reasons why. Other jurisdictions tend to be way more creative in terms of remedies and I think the European system in general just isn't. And I think that's probably one of the areas that people can add in more things. So if you're trying to negotiate a settlement, for example, you can try to fit in other things into that with the other side and not necessarily have to have the court involved at that point.

Other people in the panel are going to talk about this in more detail but I think it's just worth flagging that there's a number of things about judicial review that are really important to consider, cost is one of them. JRs are very important. Unless you've an infinite amount of money, I wouldn't recommend doing it privately. Another one is quite judicial review it's quite complex, there's a lot of red tape, and if you don't comply with some things, you can be required to pay a lot of money, getting well informed legal advice is really important and the other thing is risk, judicial reviews are notoriously risky, even if you have a good chance, you might not one or if you do, you might not get what you want from it, so it's important to keep those factors in mind when deciding if judicial review is the right way to go to -- to go forward. If you have any questions, I'm happy to discuss that more. (Applause)

AOIFE O'REILLY: I think we'll leave questions until the end.

DARRYL HUTCHEON: Like many Glaswegians, I tend to be too loud than too quiet. I'm going to talk about judicial grounds, basically, when we think about bringing a judicial review, what's the reason for saying that the government action in question is unlawful, what is it about that decision that you want to take before a court and say, this is why it's wrong, this is why court, please, give me a remedy and as I will try to elaborate on in the court of what I'm going to say, there are many different judicial review grounds and many different angles with which one can challenge a government decision or failure to act in a judicial review but they're not limitless and the point that Unkha already touched on, you can't turn up to the court and say, this decision is unfair in some general sense or this decision is cruel or impacts people too much or you could have been -- you could have made a better decision. You have to Aoife a legally recognised ground or effectively a pigeonhole in which to fit your case to say, here's the ground which justifies the court in doing something about this government decision. The classic explanation of judicial review grounds at a headline level comes from a House of Lords case, which was the highest court in England and Wales before the creation of the Supreme Court. This quote is a three‑fold categorisation of the grounds for judicial review, in the order given there illegality, i rationality and procedural impropriety.

       Appreciate those are not terms which slip off the tongue and I'll say a bit more about that, but these are sort of headline categories into which many different specific judicial review grounds can be fitted, these are headline categories, they're not hermetically sealed boxes in fact lots of people would say there is a lot of overlap between different cases, that fit into different categories, for the purposes of what am going to say they are a helpful headline way of thinking about, and breaking up the different angles by which a government decision can be challenged. So I'm going to work with these three categories and just talk through them briefly.

       The first category is what is called illegality, now immediately you might say well if we're in court isn't any case about illegality at some level, courts aren't able to do anything else, illegality in this sense means something more specific and different people formulate this differently but I try to day what I think is a helpful way to think about illegality, illegality grounds are where you say to the court the decision‑maker has got the law wrong, misunderstood the law or failed to comply with some hard, legal duty they have, for example, from an Act of Parliament, I'll talk about a case where this happened, where a decision‑maker has done something where they don't have any actual legal power to do. That's in a broad sense what I mean by illegality. It can be helpful to contrast illegality with i rationality, the second category I'll come on to, and the difference basically is that, in the irrationality, what you are saying to the court is on the facts of this case the judgment that the decision‑maker made or the approach they took to making that judgment was unreasonable or irrational, that's a fact‑sensitive, flexible, open‑ended kind of the issue where the Court builds in deference to the government decision‑maker, that's irrationality, that's the soft or flexible category. Illegality is something more specific and hard‑Edged, we are saying there is a clear, actual legal error here, in a sense don't worry about deference, the discretionary judgment of the decision maker, this was unlawful in this hard and clear basis.

       I think that's the best way to demonstrate that in practice, via just making some reference to some of the most common illegality‑type grounds and I've tried to create some, well a bit of ‑‑ they're not the best are they!

       I've identified three, since, three of the most common illegality grounds. So number one is breach of a statutory duty, an Act of Parliament let's say gives a Council or a minister or something like that a duty to do something and you come to court and say they haven't done that they have failed to fulfil that duty. Since we are at a discrimination law conference, an example of this is the public sector equality duty which I'm sure many of you are familiar with, it's a parliamentary duty, sorry, a statutory duty on public bodies to have due regard to various equality‑type objectives when making decisions.

       So, I've given the example there of the South Wales Police case that was a case about facial recognition technology, and a judicial review was brought against South Wales Police using this technology on the streets of Cardiff, supposedly to identify offenders, one of the arguments in the case was based on the public sector equality duty. The Claimant said, well there is evidence that this technology is more likely to create fake matches, in the case of people of colour and women, that was one of the grounds on which judicial review was upheld, the police hadn't thought about that when making the decision.

       The second example have given is *ultra vires*, I'm sorry to use the Latin here, but unfortunately, it's a word that we see often in the cases, you will be surprised to find that many people in the English judiciary do like Latin, so sometimes we have to work with it.

*Ultra vires* in this says sense, basically means the decision‑maker doing something that they don't have any power to do the example have given here, and for the lawyers in the room I'm sorry to remind you of this, [Inaudible] but it's the former Lord Chancellor, Chris Grayling, a case brought by PLP, a good opportunity to celebrate it related to Legal Aid rules, he had a power under an Act of Parliament to make certain rules about Legal Aid. What he wanted to do with that power, is to exclude people from access to legal aid if they were not resident in the UK or in England.

       So, a judicial review was brought by PLP that said, among other thing, the Act of Parliament that gave you the power to make legal aid rules, didn't give you the power to make that kind of rule, that kind of rule that excludes someone from eligibility based on a protected characteristic, the Supreme Court upheld that case a great victory, Grayling never had the power he thought he had to do that a hard edged question of law.

       Third and finally, perhaps the most common ground for judicial review in my area of practice, breach of European Convention rights, public authorities have a duty to comply with the European Convention rights, things like the right to freedom of prescription, the right to respect for private and family lights, trade union rights, and so on. You can bring a judicial review and say this government decisions violates those rights without significant justification. I've given an example of a case that actually came out this week, which you may have seen reported in London, a school in London band Muslim students from praying at lunch time one of the grounds of judicial review in this case, it violates the freedom of religious rights, they were actually unsuccessful but we'll see if it goes further.

       The threats illegality, the second category, this is referred to in different ways, none of the words are particularly helpful or clear, irrationality, unreasonableness, there is one case that talks about a defiance of logic which is so outrageous as to justify the intervention of the Court. None of that really means anything, but just to explain what it's getting at, this is a ground of judicial review where you are saying to the court that a decision‑maker has made a judgment which is not just wrong but it's irrational, it's unreasonable, it feels to meet even a fairly basic standard of good sense in public life.

       And... there is two points to bear in mind about irrationality‑type challenges, the first is that there is the standard for these challenges is a high one, they're not easy to bring and this slide goes to that. There is a lot of caselaw nowadays, as judicial reviews become more sophisticated about exactly how much scrutiny the court gives to a decision in an irrationality case, there are now cases that say that's a sliding scale, if you are bringing a judicial review where the consequences for a claimant are very significant, that would way in favour of a more stringent level of irrationality review, if you are dealing with a case that relates to something that the courts don't feel well equipped to deal with for example, a national security type judgment, irrationality will normally be an easier thing for the government to defend because the court will build in lots of deference in deciding how closely to scrutinise the decision. It's a broad concept, the meaning varies from case to case. So, the... the other point I want to make about this, is that it breaks down into two things, firstly you can go to court and say well the outcome that the government reached was unreasonable and irrational, I want the Court to invalidate it on that basis, it was pretty difficult to win but that's an argument you can make.

       The other category that really stems from that is arguing that the approach to the decision‑making was irrational or unreasonable, and there is lots of specific strands which are developed in the caselaw as to what that means, so for example, a decision‑maker who doesn't take account of relevant considerations, who do not acquaint themselves with relevant information, who perhaps unreasonable believes in even taking a decision, these are also irrationality grounds which can be the basis of judicial review.

       Then, just lastly, before I just, as I wrap up, my third category is what I call procedural flaws. Again, like with what I just said about irrationality here we have a general duty on public bodies to act in a procedurally fairway, which means in particular, give people the right to be heard, the chance to make rep representations about things that are important to them before you make a decision. Also make sure that the decision‑maker is an unbiased person who can be trusted to deal with the thing impartially, that's the duty to act fairly in a procedural way, there are lots of cases about that. What's helpful in that context when it comes to procedural fairness, the Court is judging fairness for itself not just reviewing the rationality of the procedure that the decision‑maker followed.

       Then, there is, just a couple of important off shoots from that, the last thing I'll say, in terms of sort of procedural flaws as a category of judicial review ground. One is the duty to consult in some context, either because of statue requiring a minister or local authority to do so, or because something about the past practice or what they have said in the past justifies it. The law finds that public bodies have a duty to consult before they take important decisions and there is lots of caselaw about what that duty involves in practice.

       The other thing that kind of flows from the general procedural, duty, is what we call 'legitimate expectation' where a decision maker has clearly undertaken to behave in a certain way, either by following a certain procedure or by getting a certain outcome and then they seek to resign from that, you can take it to judicial review to say we had a legitimate expectation to do what they said, please Court don't let them go back on what they promised us. That's the kind of things that come up in that third category, then I'll pass over.

AOIFE O'REILLY: So, Hannah I don't know if you want to start, are there a few points you want to cover generally that are more judicial review points?

HANNAH MOXSOM: Well I sort of, because Ellen is not here, I've now just sort of rejigged my, on the fly slightly, I'm going to talk a little bit more about your case and try and draw out some of the main things, the things that you have been discussing, maybe in relation to the Voices case, if you have things that you think Ellen would want to pick up do you want to do that first.

AOIFE O'REILLY: Do you guys want to kick off and then do it may be at the question point?

HANNAH MOXSOM: I just realised I need to hold this much closer to my face.

       So, first of all I should, disclaimer, I wasn't the solicitor on the Voices case, I was a paralegal and trainee at the time and my supervisor was the one running the case, but yeah I was part of the legal team with supporting Amanda and sue and Emma, I thought it might be worth me going through some of the details of that case and trying to link it to what has already been discussed, the sort of the decisions that can be challenged, the who the decisions and the framework in your case and maybe I'll ask you some questions along the way about what certain things felt like in your experience of that; does that sound okay?

       Brilliant, so first of all this was a legal challenge that was about, sort of criminalisation by the back door almost, of street sex workers in Hull. So Hull City Council had used Section 222 of the Local Government Act, which gives local authorities sort of broad powers to put injunctions in place to stop people doing certain things in certain areas, so I think it was St Andrew's ward, was it in Hull. This injunctive power that the council went to court to get granted meant that street sex workers couldn't work in certain ways within the St Andrew's Ward. Voices and other organisations were concerned that that was leaving the street sex workers very vulnerable women, to work in very dangerous ways or even more dangerous ways.

       So the legal challenge was to, the Council's decision to renew that order. There had been an order in place for quite some time, hadn't there? I think you had been engaging, as you said in the conversation with Shameem, you had been engaging with the council for quite a long time, I think possibly even two to three years.

SUSAN WINTER: Yes.

HANNAH MOXSOM: About the original order that was in place so you had been raising your concerns along with other organisations, you had been drawing to their attention lots of academic research about how the injunctive order would be putting people at risk, and then I believe what happened is the council had meetings with you, was discussing renewing the order, but actually what had happened is they had already applied to renew the order and hadn't told you about it. So, from memory... I'm going to rely on your memory a little bit here as well, I think it was just before Christmas in 2019 that you were told that they were thinking of renewing and that's when you came to PLP to get some legal advice.

AMANDA HAILES: We had been talking to PLP as part of the meetings, because we didn't go the legal route. We wanted to sort it out. So, yeah, and then our hand was forced. Yeah.

And as already discussed, judicial review has to be a remedy of last resort. I think you got to the stage where the council wasn't responding, the injunctive order was renewed by the council, and you found out through the press, the council didn't tell you at all, and from a legal perspective, that's when we sprung into action, because we realised the decision had already been made some time before. And we didn't know when, and limitation was a big problem in this case, initially because the already had already been made, and we wanted to challenge the council's decision to renew the order and so we had to look behind when the council started to make that decision, and so it was all guns blazing because we realised that it was probably before Christmas, and there was a very clear three-month deadline and so we all jumped into action so we wrote a - letter setting out your case, all of your concerns, lots about you both and Emma as to why you would be able to bring the claim, why you would have standing to bring the judicial review, all of the contact that you had had with the council about that case, and all of the steps that you had taken to pull to their attention why this junction should not be renewed. And on we got that letter all together and asked the council as part of that letter when they had made the decision because that was a really important thing for us to know because we would need to issue court proceedings within three months or if -- we could have potentially already been out of time, we were concerned, so we had to ask for disclosure from the council and for their meeting minutes, et cetera, as to exactly when that decision had been made and we realised that that decision had actually been made quite some time before Christmas, in around October, I believe.

>> That's right, yeah.

>> And so the pre-action letter sent in January, we asked for a very quick response on the limitation point because we were -- we sort of gathered that we were running out of time and this may have been a tactic of the council not to let you know. So limitation is a really crucial point to think about. If you are thinking of bringing a judicial review, the time deadline is super important and you should get legal advice as soon as possible because that time runs out really quickly when you have to pull your case together, write a pre-action letter, potentially wait for a response, then review your merits of claim so that is the key thing, if you think there's a decision to challenge, get advice as quickly as possible because the date that you think the decision might run from, might not be the correct date, it may be something that precedes that, so it's really important, and it was a big concern in your case. And I think what we actually end up doing in your case to meet the deadline was to issue your case protectively with the limited information that we had, saying, we have to do this to try to protect the deadline and then later on fill in the rest of the case, and that was reasonable under the circumstances because of the fact that you hadn't known when the decision had been taken but you had been in constant communication with the council even after the decision had been made, they hadn't told you.

Very sneaky.

>> How did it feel working that quickly and having to jump into action that quickly. Were you prepared for that?

>> Not really, if you think about it, three months is only 60 days it's a frightening and scary in that case.

And being prepared, obviously we didn't know about law at that time, but we were still willing to fight for it, and that was the driving force behind, saying, we need to act on this, and with your help, we made the decisions that we needed to get release letters and so on and so on.

AMANDA HAILES: And plus, if we didn't get the timeline, the section 222 banning order was going to last for another two years, so there was going to be more women issued with banning orders, taken to court, imprisoned, and it was like, we have to do it now, otherwise we're going to have to wait another two years, and I think I would have lost my mind. So it was like now or never and thankfully, you got on it and got on it fast.

>> Well, you got on it.

HANNAH MOXSOM: And there were women being prosecuted and imprisoned, and so although the civil injunction -- injunction was civil, it came with criminal prosecutions, so it meant that women were being prosecuted for breaking the civil injunction. So another issue that we had to overcome in your case was funding. I know you spoke a little bit about that, but legal aid is available for individuals but there's very strict criteria on who's eligible, I'll go into that briefly, because I know sometimes, I know most of you are from organisations but sometimes it may be that an individual is the best person to bring a claim, and not necessarily an organisation for some of the reasons that have already been discussed. So eligibility for legal aid, there is a means test, which is financial eligibility, which means that you cannot have a gross income of over £2657 per calendar month, and you must not have a disposable income of over £733 per calendar month, and those thresholds haven't changed for a long time, and as we have already discussed, judicial review is very expensive. So there's quite a disparity between people that meet that threshold but then lots of people that are over that threshold still can't afford their own legal costs very often.

On top of that, you can't have any capital or assets that are over £8,000. So if you own a home or expensive assets, then that can be problematic. There's a sufficient benefit test, which was the crux point in your case for why legal aid was not available to you, and that was because you as individuals that were interested in this but were not going to be directly affected, you didn't have the direct sort of sufficient benefit -- you didn't meet the direct sufficient benefit test for legal aid purposes. And initially we thought oh, maybe you would be able to get legal aid and then we realised that obviously you wouldn't.

AMANDA HAILES: And I thought maybe I should just get there and get a banning order myself, and it was a conversation I did have, because it was a case-by-case, and we were doing it on behalf of. So that's another reason why we couldn't get legal aid, is because it didn't benefit us personally we were doing it on behalf of the women, they're trying to survive, they don't want to fight a court case, they're trying to survive, so that's why it couldn't be a case-by-case thing. Doing it on behalf of someone, legal aid, you might not get it because of that reason. And we spoke about, we had a brief conversation about whether or not there would be any women willing to bring the case themselves but it was decided very quickly that because of the time deadline that we had and because of the women's lives, the chaotic nature of their lives, getting somebody on board with bringing a huge judicial review case as well as putting themselves forward as somebody that was named as being impacted by this order would put them at risk of being picked up by the police and media. So it was very quickly decided that that wasn't going to be an option that we could explore very quickly there's also a merits test which we didn't go through in your test, because it wasn't necessary, but there's a merits test which means that you have to have fairly good prospects of success for the legal aid agency to fund your case. So it has to be moderate, 50 percent or over chance of success, and that's chance of success at a final hearing not necessarily settlement in the case.

You need to get some kind of advice about what the prospects of success for your case would be to get legal aid. There's a slight caveat to that that your case can be borderline if you're bringing a case of wider public interest, significant public important but, yeah, again, you would need advice on that.

Not only do you need to pay your own legal costs which you can be funded by legal aid for but you also need to pay potentially your other side's costs, so it's already been spoken about, the fact that judicial review is a term, cost follows the event basically whoever loses has to pay the winners' legal costs.

So that's a huge risk for individuals or organisations to take on.

So in your case, you couldn't get legal aid for your own costs and so PLP and your team of barriers decided to act on a conditional fee agreement, no win no fee, that was your costs taken care of, but there was a risk that if you lost, you would have to pay Hull city's legal costs, which must have been a frightening cost.

>> We thought it would be about £100,000. We haven't got that money.

>> No. And so that's when you mentioned earlier language Kelly chase came in.

>> Don't worry, we've got it covered.

>> I was willing to go to prison.

So they came in, and said, we've got you back, you've been fighting this for a long time.

[ Inaudible ] they're an amazing organisation and really did have our backs throughout the whole process they put us in touch with public law project. They were incredible about it.

>> We might, if you wrap up now and leave some time for questions.

>> What I was going to say is, what we were going to do if your case had gone further is we were going to apply for a cost capping order, which is something that you can do to try to restrict your liability of paying the other side's costs but you can only do that when there's wider public important in the case and that is a court decision, and can only be made at the point of when permission is granted we didn't actually need to worry too much about that, because your case settled outside of court and the reason we advised you to settle outside of court is because the remedies are very narrow, and in your case, the settlement got you much more than a court could have ordered and the council agreed that they would consult with you and national charities on this issue going forward, which a court would not have been able to order.

The settlement that Hull council were willing to make was something that we wouldn't have got if we had gone all the way to court, and that settlement happened much quicker as well than waiting for a court hearing.

So I just thought it was fleshing out some of that detail and we'll all be happy to answer some questions on that.

>> Yeah, great.

>> Thanks very much everyone for a really informative talk, I've got two very specific questions, which are, going back to the question of applying for legal aid, you said that you need to have advice on the chance of success, do you have to pay up front for that legal advice.

>> So legal aid is where the legal aid agency will fund an individual's case, if they meet the criteria, and normally, your solicitors and lawyers that you have instructed will be the ones to [ inaudible ] apply for legal aid, and will deal with that for you, and there are several different stages for legal aid advice, there's a legal aid fund which allows you to access initial advice, and there are further stages where further criteria come in.

>> Second part of the question, is there anything that stops the other side from deliberately inflating their costs as a deterrent?

UNKHA BANDA: The laws are that they can only ask for -- in terms of costs, you can only really ask for what your client would be liable for, so you shouldn't be timing it by ten, because you know someone else is going to pay for it. And it's the same for our side as well.

HANNAH MOXSOM: Rates are set, and the work has to be reasonable, and at the end of a case, normally costs are assessed if they're not agreed, and so someone will review the costs and potentially work out what is reasonable to pay. We have had concerns about defendants' costs being unusually high, luckily we haven't had to get to a point where a client is liable for paying them and we have had to worry about it.

UNKHA BANDA: An important thing, if your client has legal aid they are protected against having to pay that.

HANNAH MOXSOM: Yeah, that's something I missed, legal aid also gives individual cost protection against the, against having to pay the other side's costs, so you get your own costs paid for by the legal aid agency and you are protected from having to pay the other side's costs.

>> Just going to say the government PPE, not legally aided cases our ones where the costs were being inflated, if anyone is interested in looking at those.

>> Hi, my name is Yona, my colleague and I work at Right to Remain we create resources and do workshops for people in the asylum and immigration system, step‑by‑step guides to know the law and know your rights we urge people at every stage of the I am sorry process and other processes to either represent themselves given the Legal Aid crisis and the fact that there aren't enough lawyers to represent everyone, or to at least understand their rights even if they do have a lawyer so they have a good working relationship.

       The only stage of the process where we urge people to, to sort of use more caution and wait to get legal advice is with judicial review because it's so risky. I just wanted to ask, given the Legal Aid crisis do you think that's still valid?

DARRYL HUTCHEON: Umm... you know, there might be other people better to speak to the changes to Legal Aid and what have you I think being involved in any legal process carries risks, even not financial risks but just risks in terms of the impact it has on someone to have such important parts of their life at the mercy of, often they are not very sympathetic to government or other decision‑makers.

       I don't know if I would go along necessarily with the idea that judicial review is in a special category where people should be more fearful taking that route than any other, I think there are pros and cons in every angle and I mean there are some advantages of judicial review as well, to be frank, one of which is that it can be a means by which very quick decisions ban key obtained from a court on issues of great importance, the homelessness is a very good one.

       All kinds of litigation, for example, civil claims in the county courts, tribunal litigation can be really slow doesn't have the ability to go quickly, there are other thing, legal aid in principle being available in lots of different judicial review cases it might not be the case in other legal fora that someone might have an issue in.

       It's a difficult question, I wouldn't go along with the general idea that judicial review needs to be feared or treated as a more risky thing than anything else, but it sounds like that people need to get legal advice whatever route they're planning on taking. I think earlier [Inaudible] it's very important about making sure that people understand what that advice is and get the time to process it and talk about it, because sometimes as lawyers we are not very good at giving people that time.

AOIFE O'REILLY: I think we're going to have to finish off there unfortunately, really great conversation, thank you very much again to our panellists, I think it's time for refreshments.

>> Time for a round of applause for all our panellists. [Applause]. Lovely to see you, we're going for a break. They may all be on hand if you have any questions you want to ask, I'm sure they will be happy to be asked in the coffee break.

       After the coffee break we are going into breakout sessions, if you are doing law and policy and come back in this room, sit near the font otherwise it will feel sparse. The other breakout sessions are sign‑posted down that corridor and go left and right, we'll still take fifteen minutes for the coffee break, if you can be back seated in your breakout space bite 12:05 that would be great.

       Could the panellists in this please make sure they are in their breakout spaces five minutes before everyone else, otherwise you will look really unprepared.

# **Breakout session 1 – Influencing law and policy**

>> Thank you for selecting this breakout session on influencing law and policy, I'm Saba, one of the research fellows at Public Law Project and I'm really excited to be hosting this panel because I think it really gets to the crux of this conference which is about, that we have a group of advocates in every sense of the word whose ultimate aim is to effect some kind of change in the law, and they're coming to us with a wealth of experience, and they're getting to, what do you need resource-wise to effect the change that the people you're representing are after? Without further ado, I'm going to introduce our panellists, we have Chris, the policy and operations director for Expert Link, Chris leads the operational work, including income generation and financial management. And as I'm sure she'll get into it, but it's a peer led organisation championing the voice of people who have multiple disadvantages including homelessness, mental health issues, substance abuse issues, and domestic violence and abuse.

Verity is the cofounder of the Gemini project, a grassroots survivor led project working to end sexual violence through advocacy and campaigns -- is a public -- researcher, access, immigration, justice, and the constitution, Lee is editor of the ombudsman, and administrative justice of the journal on family law, and edits the -- he's also research of officer at the University of Essex constitutional and administrative justice initiative and last but not least, David is a litigator at Allen & Overy specialising in complex and high stakes commercial disputes in public law litigation, David has experience advising clients on a range of contentious matters including judicial review claims, measurable and blanking -- banking litigation and he also advises on matters relating to electable issues and remains an active pro bono practice including acting for charities in strategic judicial reviews. Is there anything left? But I'm going to hand straight over to Chris.

CHRIS BRILL: Hi, everyone, I'm Chris, thanks for that introduction.

Unfortunately, Shannon, who's my colleague is not here today, she's unwell but hopefully I'll be able to do her part justice.

So we've got about 15 minutes just to give a little bit about -- here we go. Sorry, a little bit about us as an organisation. The work that we are doing, and then some kind of kites -- insights really into how we go about engaging people with lived experience in our work, and before you go together people with lived experience to decision-makers.

Then I'll be looking at some of the success stories that we have had over the time, the few years that we have been around.

I'm trying to make sure my screen is the same as that even though it's different.

Bear with me, it's perfect. As already been introduced, we're a peer led organisation, which is championing the voice of people with lived experience and multiple disadvantages as we have said.

Our purpose and I'm going to say this again, is to champion coproduction with people with lived experience, and we take that seriously, we're a peered -- peer led organisation, chief executive has multiple disadvantages that we have mentioned, board of

TRACEY LAZARD: 90 percent of them have lived experience of disadvantage as well so it's really, really important to us. The majority of our staff team do too. So it's part of who we are. As an organisation, we're very, very values-based, all the work that we do is rooted in our values and they are humanity, honesty and hope. So Ellen White in humanity, the potential of all people and that when we come -- we believe in humanity, the potential of all people, and that when we Connell -- come from a place of honesty, we can bring change to the world. We use the word Co. -- coproduction, we're going to say what we loosely think, we're not the ocular, this is just -- oracle, this is just what we go by. We think that coproduction is a strengths-based process that equitably involves all stakeholders in a design and delivery of policy and services. That's kind of what we're about, and really the essence of that is empowering people with lived experience to take part in discussions that sometimes people are closed off from.

It's not working.

So that's the chief executive.

>> Don't skip David.

>> Don't skip David, never skip David, that was David, we can't talk about him without his picture on, he'll be grateful. David is the founder and chief executive of Expert Link, he's brought it from an idea, he went and discussed -- he got some funding from Lang Kelly chase to see what people who were experiencing disadvantage would want from a kind of kick start ed, up-and-coming charity, and he spoke to thousands of people, whether through surveys or one to one, and came up with Expert Link, the organisation that we are today. What we do generally is we work with, say, charities, or national government to ensure that they're engaging people with lived experience appropriately so that everything that they do, the strategy, the professionals and decisions that they're making are good as they can be working as best as possible for the people that they're supposed to be serving.

So there's a few kind of things that we kind of bear in mind when we're doing this kind of work.

So 40 -- the four that we put here are flexibility, honesty, and improvement, so we've seen that it's important to engage with people with lived experience, they really need to make sure that they're flexible in the way that they do this, so not kind of, well, we're meeting here at half past nine on a Thursday, and you've all got to come along, and you don't [ inaudible ] making sure that there's flexibility and understanding around kind of access requirements, what times of the day, how regular, those kinds of things. What sort of things people might need to be engaged in those opportunities. The other thing is around honesty, before I did this sort of work, I thought that all that we were going to need to do is convince the government that I'm right and that what they think is a terrible idea and then it will just happen and it will be okay but it doesn't work like that. Most of the time I'm wrong but also it's a long, long process.

And I think that we need to make sure that we are honest about, well, what does changing policies and legal things, what does that mean and how long does it take? What are the pros and cons of different approaches. That was mentioned earlier and just being really, really honest with people so people can make their own decisions if they want to take part in this activism or policy changing.

       The third thing is around valuing people, lots and lots of debates about how to I numerate people who are engaged in this kind of work, I really hope we don't get a question on it, but if we do we can talk about at later, it's not just around remuneration, it's about valuing that person as a person, not just someone we can use to get their views and make a change to the law, it's valuing that person as person, it might be providing training support, valuing their time, valuing what their needs are to attend meetings. Really, really crucially, and this is linked then to improvements, is hopefully through all the work that is done there will be changes and there will be improvements, but people need to be made aware of that so if I'm getting engaged in a piece of work and I share all my experience, and I give all my advice, if I never hear from that organisation ever again, then I'm going to feel pretty bad about that, it's really important to give people feedback and continual feedback,000, we need to make sure that people are kept up‑to‑date with how things are going, how the work they have done is seeping in and making a positive difficult.

       There are loads of benefits, this is something that [Inaudible] talked about, she was engaged with a lot of the work as a volunteer, now she's a member of the staff team. For her the, the real benefits of engaging with the work was the connection that she kind of felt with other people that are involved and how that was really, really empowering for her. The change that she saw that we made together, and the policies and things like that we changed the experience she's able to again and the knowledge and she could use that as... things on a CV, things like that to really kind of progress in the future, and to make changes to other people as well, and hopefully improve other people’s lives.

       I'm going to give a few success stories of some of the things we have done, I'm happy to go through these again.

       It's the next slide, thank you ‑‑ and again please.

       I've got loads of slides after this I'm going to just not use the slides anymore, that will be annoying.

       Three project, the national advisory panel, [Inaudible] spend couple of minutes on each, the first is the national advisory panel, so during the first kind of lockdown everything went bezerk, nobody knew what to do it was all like a massive challenge. We were lucky as an organisation that we worked quite a lot online and from home, we were used to processes like working from home and doing stuff online. We wanted to make sure that in this circumstance that people's Voices could still be empowered to make a change, so we reached out to lots of people that we have been working with, developed, and developed a national advisory panel, the aim of which was to ensure that people's Voices around issues like homelessness were still being able to be heard in a time where everybody was closed off from each other. So we set that group up. We connected the group with officials at the Department of levelling up and the leads on rough sleeping, every month, I think every week initially we would meet up, write a report and we would send that to the Department of Levelling up.

       They, the officials from the department started attending those meetings, so we had yeah, some fantastic attendees who listened directly to people who were involved in that group.

       There was some really, really big wins just to connect with people was fantastic, we were able to make the case that the department for levelling up should embed, should work with people with experience of rough sleeping to help them kind of monitor and develop the rough sleeping strategy as they work with that. Then that happened, and now that's, yeah, that group has then led to a group that is now directly funded by the department to work with them and advise them every couple of months on the policies and work they are doing, that was fantastic.

       The second piece of work I'd like to quickly mention is around the welfare change group we were funded by the Lloyds foundation to work with a group of people with experience of the benefits system and kind of try to make changes to that.

       What we did was, we worked closely again with DWP, people don't like DWP, so these were quite fruity meetings really! Not everybody in the DWP is awful, there are some really, really good people, there are some really good people at the DWP, I have to say it, who really do care. So we were able to actually connect people with important officials within the department who could make differences. So, we kind of, we found an area where the group had decided that they wanted to up skill work coaches on their understanding of homelessness, so that the work coaches could make better conversations and decisions about things.

       The group then develop and produced some videos outlining particular key messages that they wanted the DWP to hear. Those videos were created and now they sit on the DWP's staff intranet that all work coaches accost the country can access and look at, again that was fantastic.

       The final thing I'll quickly touch on is peer research, so we do a lot of stuff around working with people who have experienced a particular issue, training those people to become peer researchers and then they research into that area. So, for example, we recently have done some work around substance use services in London, where we trained a group of people who have experience of accessing those services, and they developed questions, they developed topic guides they developed all the research kind of materials. Then they conducted interviews, they supported analysis and drew out recommendations and helped to review and draft reports.

       The message I wanted to really give on that part is that it's not, in peer research, peer research can be thought of as just maybe training somebody to ask a few questions and that's kind of it, whereas we feel that it's really empowering people throughout the whole of the process. So yeah, the researchers design questions, the field work, exactly all those sorts of things I've said.

       So, I think that was my last slide actually, so yeah. Thank you very much.

SABIR SHAKIL: Thank you. [Applause].

>> I'd just like to give a short content warning it's something I do, a survivor level organisation that focuses on ending sexual violence, I will talk about our work on issues of abuse, I won't be going into lived experience, but when prepared, hearing words of phrases can bring up past trauma if you feel you need to step out, if it's distressing or uncomfortable please feel free to.

       The Gemini Project are a small non‑profit, there is just three of us and one volunteer. I know most of you will not have heard of us before today I'll start by telling you a little bit about who we are.

       So, myself and twin sister Lucy founded the organisation in September 2018. At a time we were just survivor activists at university and had not much idea of what we were doing in terms of the organisation, we didn't have a vision or end goal, directionally, we just had a kind of a mission of really wanting to help at least one other person through peer support and we weren't much more at that time than our website and social media pages. So both engaged in the criminal justice system after reporting are abuser and gained a huge amount of knowledge that we wish we had much sooner. At this point there was no support available in the area that we lived in in South London because of waiting lists and also [Inaudible] in terms of our legal entitlements and of course, the information we received from the Metropolitan Police was both liking and often completing inaccurate.

       So, we essentially, The Gemini Project is essentially the product of our collective rage we were holding so much pain and grief and we didn't know how to process that, to essentially use all those emotions as fuel for our work to challenge in the Justices that survivors face, we really wanted to help others and ensure that no one else had to go through what went through, essentially learning the hard way, we wanted to share the lessons that we learnt.

       Our goal of helping just one person was achieved immediately, at the time we had a scheme for donating to survivors, [Inaudible] evidence by police, and they are often held for a very long time, when that happened during our case, my sister's phone was taken and she used to walk around she was working in Borough Market part‑time at uni, with my iPad trying to connect to a wife so she could message us, obviously that was quite ridiculous, so it was just ensuring that we could help others. The police can actually give you a phone, but it's not really usable. So yeah, we were able to helped practically as well as emotionally and factually, but we quickly found we couldn't keep up with demand and so we pivoted from providing online support to engaging in campaigns and advocacy work.

       So, as a volunteer led organisation we are really limited in our capacity and resources, so the work we do is an addition to full time job and other commitments, I work a full time job as well as doing the project work and also at university studying law and are Director of Campaigns and communications is writing a book and the director of research, my sister, is finishing off for her masters, we've all got a lot going on as well as the work that Gemini Project we have to be mindful about what we can take on and a achieve in the time available to us a big part of it is accepting that as much as we want to we can't do everything and allowing ourselves to say no and not feel guilty about it, it's really difficult we feel so much pressure to respond to every consultation imaginable and being present in that space, but all work in the violence against women and girls space is meaningful work, the question for us is will what we are doing have an impact, is it worth it fore for us and reflect are core ‑‑ are we the only voice there, so it's just kind of like weighing up those things. Because of this we can't of engage in a constant feedback loop to ensure we are maintaining work with focus. This really includes checking where we are mentally, as a survivor led organisation there are times when we need to take time away, where it's not practical or possible to work on the things we are working on. So we have to consider our trauma and understand that the work that we are doing will bring things up in our lived experience. It's only being aware of that that we can make sure that we are spreading ourselves too thinly and burning out. A great way for us also in terms of resourcing in terms of being a small organisation is to work with other organisations so we are constantly collaborating with other larger organisations and charities, so last July we teamed up with the good law project and launched proceedings against the Home Office, a piece of strategic litigation that was kind of going to be a judicial review but in the end it was very much just a pre‑action stuff, so the Home Office failed to meet their statutory duty to produce a report on the nature and prevalence of spiking and their plans to address it so we worked with the good law project and crowd funded costs, following that action the government published a report into spike in in December and they committed to clarifying the law on spiking and amending the Offences Against the Person Act, a large part of why that was such a success was because the good law project offered so much in terms of time, staff and resource, so we were able to do much more than we would have been play to do ourselves and working with them also gave us an in with the home affairs committee which we wouldn't have had prior to that work. Aside from that one of the main area of focus is on SLAPP, Strategic Litigation Against Public Participation, this is from my own lived experience, facing a SLAPP in the High Court we have been campaigning on the issue since 2020 and conducted the first study of the abuse of litigation, by perpetrators of domestic abuse who essentially weaponise legal proceedings to silence victims or topping them disclosing the abuse they survived [Inaudible] so, big thanks to them on that like we're always working with other people and getting help which is why we are able to do a lot of this work.

       Just, with SLAPPs we have seen a huge increase in this kind of cases, following the widely publicised case in America Amber herd and Johnny Depp, they can bury a survivor in costs as well as silence, this credit and further days empower we really wish to end the miss sues of our courts and as part of this work with are part of the UK anti‑SLAPP coalition, bringing together media, lawyers and other civil society organisations, and the Coalition has secured a Private Members' Bill currently making its way through Parliament, we decided not to go ahead with an amendment to the Victims' Bill and instead focus on the Private Members' Bill, many members of the coalition are there incapacity of full time work, working on it constantly, really well-resourced organisations,

and we didn't have that, and it just made sense to add our entire focus and voices into the private members' bill, and get those meetings for the coalition, and things like that.

So they also, the coalition have a broader focus on SLAPs. It's bringing that in, so, yeah, we've greater engagement because of that with other stakeholders outside of the violence against women and girls sector, particularly in parliament, and also, the coalition have their foot in the door in other meetings with the ministry of justice, the bar standards board and the SRA, so it makes a lot of sense. So we meet monthly, and in that bill, I've engaged with MPs, we've had our bill read out word-for-word in the chamber, and I've been able to share my own experience of SLAPs in parliament, with the SC rapporteur to illustrate what survivors face, it's not just oligarchs bringing cases, it's also abusers bringing cases against their victims, before we were speaking it, it wasn't being talked about, and within the space, we were able to get SLAPs heard, & noticed, and without working collaboratively with so many large organisations, this wouldn't have been possible for us, or happened so soon. We also currently have an amendment to the criminal justice bill being considered in the House of Commons and it's another example of us working with much larger offerings -- organisations, so the amendment has the backing, support of refuge, women's aids, level up, women's resource centre, and the centre for women's justice, and both refuge, and women's aid have added our amendment to the parliament briefings, which saves us a huge amount of time because we don't have to circulate our own briefings, we can focus on our engagements with parliamentarians when it gets to the reporting stage, also, our briefing would be less likely to be read than one from refuge or women's aids, they're a much larger name, and they provide secretariat support for some APPGs, they're more likely that they would be referred to than our ones -- theirs is on quite a few in that particular bill, so our amendment is called the Gaia principle, named after the teenage Gaia Pope, who died within two years of -- a victim of child sexual exploitation, Dorset police dropped her case against a known child sexual offender, and she died an accidental death from hypothermia, the inquest into her death exposed over 50 systemic failings by police, National Health Service and social services, and following her death, her cousin began campaigning for justice, and we met her through lots of joint working and after years working together, she has come on board as our director of communications, and leads all the work on the criminal justice bill amendment. So the Gaia principle essentially makes sure that sexual violence investigations will be conducted in line with violence that's too often ignored or underread, so I used to work as a -- in a Rape Crisis Centre, and the majority of my job, I specialised in victim reviews and complaints, basically reminding the police, and the crown prosecution service of their own guidance, and of the law, which you would think that they would know, but they don't know,

It would essentially mean that police failure to comply with guidelines would be oppressed a standards issue, and repeat failure could become a misconduct matter, which happens in every other workplace apart from the police, so any officer" that can't do their job should lose their job, and we did he say -- need that in this country, and you can find out more about Gaia principle and her story, there's a documentary on BBC iPlayer called Gaia a death on dancing -- and I'm going to touch on the opportunities that we have, I've talked about the opportunities that we -- difficulties that we face in terms of time and resource but there's another challenge unique to user-led groups, so the [ inaudible ] project being survivor led and the work that we do, would be triggering to anyone, but is particularly triggering having that lived experience, so I mentioned our research into SLAPs, and our initial intention was actually to publish the policy report back on that in the autumn of last year and obviously we're fast approaching the summer now, well overdue but we're really struggling to finalise a draft, primarily because reading the survey responses has been far more triggering than I could ever have anticipated.

The similarities actually are really scary in terms of reading some of the written responses, in that any of those responses could be my own, I was actually trying to look for my own response through them because I couldn't remember what I had written and I couldn't even Aoife my own because they're so similar, they speak to the same things and that's difficult to be reminded of being sued by an abuse in the high court, and it brings up memories, worsens PTSD symptoms and means that we have taken periods of time away from it, and it means that we can only work on it for one hour at a time, and build in that space to debrief after, so we have to juggle that pressure of trying to get it finished with also ensuring that we are working sustainably and prioritising our well-being.

So it's often hard to kind of apply to myself but really easy to say to someone, give yourself a break, you can't do everything, so it's nice working in a team where someone else can say that to you, and small progress is still going to get us to that end goal eventually but I do think in contrast, the positive that we see is that we have really good engagement rates, and response to our influencing, which I work in influencing in my full-time job, and don't get the same levels of engagement, I think that's because we weave our lived experience stories into our advocacy and combine it with our professional expertise.

So we're able to kind of show the real life impacts of the stuff that we are fighting to change.

And our messaging hits home and can have a really great impact. So, yeah, we're very small, I do think that we are punching above our weight, and doing as much as we can with the time and resources that we have. Thank you.

>> Thank you so much.

>> Can everyone hear me?

>> I'm told I have a mousey voice. If you can't hear me, just let me know, and I'll shout.

I'm much less inspiring than the first two of our speakers.

But I'm a senior researcher at PLP and a lot of my work over the last two to three years has been government bills such as the judicial review and courts bill, the bill of rights bill, equal migration, sadly, the safety of Rwanda bill, what I want to do in my short presentation is in effect, show a day in the life of Lee. So if you want to influence parliamentarians and policy makers, what thought process would I go through in order that that might be of assistance to you the way I've been taught to do it is separate out three classes of people, influencers, decision-makers and implementers.

Even the most obsessive minister will have people he or she listens to. Even Liz Truss had her favourite think tank. Even you think a minister may not listen, there is someone they may listen to. For influencers, I would be looking at think tanks and charities, I'm told Keir Starmer likes the Institute for Public Policy Research, and [ inaudible ] does a lot of writing for them, look for back benchers and peers especially close to the central team that you want to influence, and don't just generically say, back bench MPs, or I want to influence peers, name names. On your issue, who is the key backbencher or peer who can carry the energy of the House of Lords, for instance, if this goes to ping-pong. A lot of the issues that I've been dealing with, it's been lady Hale Lord Anderson, don't just think of institutions, have an actual delivery plan, name three to five people, and actually figure out how you're going to accountant them, and why they should have -- why they should listen to you. What are the favourite newspapers and media platforms, that could be blogs, official newspapers, I doubt it's going to be left foot forward these days, but there will be platforms that they read and appreciate.

Look for things like APPGs, all party parliament groups, there's an APPG for basically everything, to the extent that the speaker wants to ban new ones and regulate how they're funded. My experience is that they're fine, they're a bit of a talking shop, but equally if you can't get access to a minister, if the APPG invites them to attend, you can meet them in that forum internally. Five, look for internal briefings, the 1922 committee in the Tory party, always described as influential, whether it is, who knows, it's a mystery, LGBT labour, there are loads and loads of internal party groupings, that you could access people through if you can't access the minister that you need to access.

Next would be what public bodies are working in your area.

The domestic abuse commissioner. The independent chief inspector of immigration, is there an ombudsman in your area, that's my obsession, which I will come to later, the EHRC, equality and human rights commission. All of these bodies have limits to their powers, but equally, if you can't access the one person making this decision, there could be secondary or tertiary ways of accessing them. Secondly, look for parliament committees in your area, the constitution committee of the lords.

I hate them as much as you do but social media personalities. They do have some influence.

And if you can access them, all the better.

Another one is professional bodies.

So which professional bodies work in your area, who do they regulate, why do they regulate them?

Think of the law society, the bar council, the general medical council, so if you can't access the one person that you need, think of all the influencers around them that they may listen to, and give you a shop that you wouldn't otherwise have. As far as decision-makers, we're still a heavily centralised country in terms of our executive government. In practice it's going to be the minister making the decision with some advice from civil servants.

In my experience, they're the most difficult people to access. I can normally access almost everyone in the influencers camp but actually getting access to a minister, I'm struggling to think of a time that I have met a minister through work.

>> If you haven't, I mostly certainly haven't.

LEE MARSONS: It's really tough. We have a very closed system, and it's still ministers and senior civil servants that will make a decision, they're difficult to access, it's a problem. And implementers, even though it's the secretary of state making the actual decision to follow this policy or that policy, that doesn't mean that when it's actually law, that they will actually be making the legal decision that you care about.

So, for example, a decision to remove someone from the country, is that a decision for the secretary of state or is that going to be an official in the home office? When the home office wants to have an age assessment of someone to decide whether they're an adult and therefore can remove them, will that be done by the Home Office or, in fact, is that going to be done by a local authority?

Think in a fairly complicated and nuanced way, even if you can't access the hated home secretary, and no one can, can you access the person on the ground who will be, in fact, making the decision? And sometimes yes, sometimes no.

One that I myself often forget that is important to remember, international organisations.

Thinking about the safety of Rwanda Bill, there is a provision in there that we should ignore the decisions that the Rule 39 measures of the European court of human rights, these measures are basically temporary orders of the court saying, a government should do this or that to prevent serious harm to someone. In the safety of Rwanda bill, it says basically that the government shouldn't follow them but the council of ministers in the council of Europe will still have a role in making sure governments follow those measures.

So even if the government doesn't care, you may be able to find someone at the international level that does care and will be able to help you exert some pressure you also have some attempt to monitor and evaluate your impact.

Even getting access to the people that you need to access and talking to them, it doesn't mean that you have the impact that you need to have. Walking away for a meeting with an MP that you always was going to be a long shot, but actually went well can leave you with a good feeling, but it doesn't mean that it's gone well in an objective sense, subjectively, great, have a glass of wine, but on Monday, think about, was that useful for the people that you care about, or was that a conversation that I went -- that went nowhere, or was that a toxic person, I argued with them, put some contrary points but wasn't worth it. You should look for quantitative and qualitative mechanisms to evaluate your impact, for instance, how many times are your briefings being cited in parliamentary debates, how many amendments have been passed on your bill, how many amendments have been suggested?

But sometimes, it's not the numbers that matter.

-- draft the law in a way so as to shield it from potential litigation in the future.

Walking away from a meeting with an MP that you always thought was a long shot, that can leave you with a good feeling it doesn't mean that it's gone well, in a subjective sense. Have a class of wine, but after the weekend, think about it was that very useful for the people I care about or was that just conversation that went nowhere, was it quite a toxic person telling me their point of view, I argued them and put contrary points but it wasn't really that worth it.

       You should look for both quantitative and qualitative mechanisms to monitor your impact. So, for instance, how many times are your briefings being cited in parliamentary debates? How many Westminster Hall adjourned debates have been raised on your topic? How many amendments have been passed on your Bill? How many amendments are suggested? Sometimes it's not the numbers that matter, it's the quality of the contributions.

       So, you can see over a number of months the number of amendments being past or the number of debates being had is in decline but what are the quality of those debates?

       Has that debate been suggested by an MP that was previously indifferent to you but is now offering some words in support? So, you should have a mix of methods, quantitative and qualitative in trying to assess your impact.

       I want to say something very briefly after I have a sip of water, about challenges ahead.

       Labour is going to be probably vastly better than the current administration, they aren't going to be perfect and they still going to be a challenge. As charities, we're all going to have to make a choice, how ambitious do we try to be with the Labour Government do we just try to be pragmatic and get what we can get, or do we actually think what you are going to give me actually isn't that useful for me. It will be nice to have a win and to show my funders I've got a win, but in fact it doesn't change the fundamentals of the system that we think are bad, therefore I'm not going to go for the pragmatic win, I'm going to take a loss and go for a bigger win later. It's a tough choice and I don't know which I would go for if I had to choose but these are big issues we are going to have to consider.

       We are also going to have to try to figure out how to frame what we care about in Starmer language, I'm a lawyer I talk about access to justice, and the rule of law, he's meant to be a lawyer! [*Laughter*] I like him a lot, I like him a lot!

       We need to figure out how to put sometimes quite legalistic or high‑minded or niche language into language that they care about. So, how do you turn an issue into an issue that the Labour Party who is never heard of this clause could care about that issue? I've not quite pulled it off yet but I'll let you know when I have.

       Second, how much energy do you put into things like consultations that probably won't know anywhere? I spent about six weeks of my life a couple of years ago doing PLP's fifty‑page response to The Independent review of administrative law. I was told just this year no person read it was put through an algorithm and all they did was produce statistics that said this many people supported this and that many people supported that proposal. It was a waste of my life, I would do it all again as it was important but it was a waste of my time. As Verity said you need to be strategic on what you choose to do, just because there is a consultation it doesn't mean you need to respond, just because there is a parliamentary inquiry doesn't mean you have to respond, what will actually get the bang for your buck it may not be the official route it may be you need to create your own route to access these people and that will be more powerful.

       The third point is charities can really struggle being collaborative, we like to talk about it, but in practice MPs will have received ten, twelve, fifteen, twenty other very similar briefings to yours, unless you are extremely niche they will raise issues that cross‑over each other, big charities, legal charities can struggle to work together, because we all think we are the cleverest and think we have something to say that the other doesn't. I was involved in a joint briefing on the illegal migration act, it was a great idea in principle for all the big organisations to come together, PLP, Liberty, Immigration Law Practitioners Association, in the end it took about double the length of time that I would have taken to write something, it ended up being about eighty 80 pages, because everyone thinks their issue is the most compelling issue, it had be thirty different sections, sometimes we just have to have the humility to say I want to discuss this issue and it will be in my briefing, but maybe it doesn't need to be in a joint collaborative briefing, there occasionally needs to be a bit of humility, in fact we need to reduce this issue to the top three or five things, we don't need to discuss every of the twenty issues that this raises. I have more but I'll shut up there, because others want to speak. Thank you. [Applause].

SABIR SHAKIL: Just trying to... thank you.

DAVID SIESAGE: Hi everyone, I'm association at the public law team, we've heard a lot from people today who have lived experience of influencing policy. I am perhaps understandably a bit more of an observer with quite a lot of Impostor Syndrome we have had those very impressive talks. I have a fair bit of experience advising clients on the legal routes available to influence law and policy and you have got a long preview of what I'm going to say in my one slide on the screen now.

       So, I'm going to focus my short presentation on those legal routes, namely formal engagement with the law making process, using the Freedom of Information Act to access public information, lobbying and participating in legal challenges by way of judicial review.

       These have all been always been relevant to organisation in the charity sector, increasingly we see clients in this area, it's coincided with a massive increase in the use of secondary legislation by the government, in the Brexit process and the pandemic.

       So, the first and most straightforward way to have a say in the proposed legislation or policy reform is by engaging with the proposals that formative stage where there might be an open debate on reform, to reform or the extent of the reform and what shape it might take.

       We have just heard some negatives about consultation, but I will cover them anyway, engaging with the government consultation is obviously the most common form of early engagement with proposed legislation, you know that's a process where the reforms are discussed with the relevant stakeholders and the consultation with a targeted consultation with relevant parties or a wider public consultation through Green Paper, White Papers. The point for government or this consultations is to get the views of interested parties and that's largely because if they can't show that interested parties views should be considered when preparing the law, then formulating it, it might be found they have acted unlawfully. The consultations as we discussed can cover a wad range of areas and they are increasingly common, they are currently 255 open consultations on the government website. So lots of opportunity to put your voice forward, but as has been discussed you need to be strategic about what you choose.

       So, when you are responding to a consultation it's obviously important that your views on the topic are set at clearly and with reasoning. So at, the rational can be understood, in some circumstances there is a statutory requirement for government to consult on new laws and policies, but generally a consultation is carried at where the public authority consider it would be fair to do so, there is no blanket duty to consult, but there are circumstances where a public body may have created what is called a legitimate expectation that they would do so. So if it's a serious and wide‑ranging change in the law it might create a legitimate expectation that they should consult and failure to consult might be inherently unfair, but if a public body decides to or is required to do a consultation it has to do so fairly, and has to ensure that the consultation takes place when the proposals are at a formative stage. It has to give accurate time for them to consider responses, even if there is an algorithm and... another method of formal engagement with the law making process, is engaging the [Inaudible] legislation, that depends on what legislation you are seeking to influence. If it's primary legislation, that is scrutinised through parliamentary committees as I'm sure everyone knows and those committees are sometimes open to receiving oral or written evidence which can be an opportunity for interested parties and people with expertise to engage with that legislation when it's drafted and put in submissions. There is obviously far less scope to engage with the passage of secondary legislation, so that's where, I'm sure a few here will have a lot more experience of what you would do in those circumstances, but starting a petition or engaging with MPs or APPGs might be a more sensible approach for secondary legislation.

       Another important legal route when seeking to influence law and policy, is making use of the regime and access to public information and so Tony Blair famously said one of his biggest regrets was introducing the freedom of Information Act, I think that goes some way to show it's an important tool at your disposal to show you have good information in relation to a particular matter, so you effectively engage in the law making process.

       Freedom of Information Act is a really significant piece of legislation, it gives any person, foreign person or, you know, corporation, access to information held by public authorities. There are certain exemptions obviously, and the Freedom of Information Act on its own can take a whole hour or so talk and I'm sure some of you are familiar with the regime, but briefly it provides that any person making the request for the information to a public authority is entitled to be informed in writing whether they have the information and if so to have the information communicated to them. It applies to a very wide range of public authorities, it's purpose‑blind you don't need to give your reasons for the request to ask for the information, you have an absolute right, subject to the exemptions for the information: the public body is supposed to respond to a request within twenty test but for various reasons that's often pushed back, almost never happens.

       They often push it much further than initially it was intended, I see some nodding heads in the room.

    . So, but there are, there are exceptions to disclosure under the Freedom of Information Act, they are increasingly relied on, especially by government departments in pushing back on requests. So the public body can refuse a Freedom of Information request if it estimates the costs would be excessive, if it's vexatious or a repetitive request they have dealt with and dismissed, they can refuse information if one of the exceptions apply, if there are trade secrets, national security or confidential for another reason.

       So, Freedom of Information Act requests, obviously it's not a silver bullet but it's definitely a tool to be aware of when you are trying to find that information about a particular matter or why a particular decision has been made by a public body, because it can inform your next steps and your next strategy to try and influence that issue.

       So, talking about lobbying next. The word lobbying, particularly in a commercial context has a pretty bad reputation, it can... but it's been recognised by the committee on standards in public life that it's fundamental to the proper conduct of public life and the development of sound policy. It's a key way that decision‑makers can be provided with information by interested parties about the impact of reforms and so it can be an important route to make your case to decision‑makers. Much to organisations like transparency international's disappointment there are few hard edged legal rules around lobbying in the UK, the main potential risks are reputational, the Lobbying Act came in to force in 2015 and made it a criminal offence to be engaged in something called consultant lobbying, without being registered, this is almost certainly not relevant to you, so in‑house lobbyist at charities are not required to register, so it remains reputational, you will have seen increasingly press and public interest in the perceived abuse of access to government by informal channels, government by WhatsApp you saw a lot of that in the pandemic [Inaudible] being a good example. Obviously that, that focus is mainly on the private sector, but it's certainly something that the charity sector should be aware of as well, government by WhatsApp is something that the press is particularly interested in.

       Finally, just had a talk I think on judicial review, but that's a key legal challenge to law and policy, it's the, it's the key way once a policy is made or a decision has been made that you can challenge it.

       So, I won't cover the process in detail you have just had a primer on that from people much more experienced than me, but it influences policy and law, even if it's not carried through to judgment or even gets past the pre‑action stage, the threat of judicial review can in theory effect the route taken by government to a certain policy, even if that's just to draft the law in a way as to shield it from a potential challenge in future. I think it's helpful to think about judicial review from the perspective of a claim it and an intervenor particularly in this environment, looking at the claim it, as you all know, you have to have standing to bring a claim, which means sufficient interest in the matter being challenged, and that's obviously an important procedural criteria, and one that limits the range of claimants that can challenge a particular decision, and so can influence a particular policy via judicial review.

If a claimant does have standing to challenge a particular matter, the timing of that challenge is very important. Obviously the rule is that a challenge must be brought promptly, in any event within three months but on a more abstract level, there are challengeable decisions within the passage of a certain law, given the challenge -- the difficulties of challenge in primary legislation, because obviously parliament supremacy means that you can't pass primary legislation once passed, it might be best to consider challenging the -- at an earlier stage in the process by, for example, challenging the proposal for a statutory reform, decision not to consult or to consult in a certain narrow way and the tactical benefit early on a judicial review is that the court's judgment on that issue may come out before the primary legislation is passed, which could impact the scope, and the second -- on what's implemented at all.

For intervenors, the benefit of an intervention is that you don't have to have standing, you don't have to have a direct sufficient interest in the matter being challenged. So anyone can apply for the permission to pass evidence in judicial review, but I'm sure many people have experience of, it's in no way guaranteed that permission will be granted. In my experience of working with charities on interventions, the key thing to show is that you have the particular knowledge and expertise in the area, crucially that you will be able to add something that the claimant will not, and crucially that you won't disrupt the timeline, and that the -- it won't add to the scope of the intervention or be duplicative. If you can tick all of those boxes, you've got a reasonable chance of getting permission to intervene. We also found that intervention applications are a lot more successful in many cases if you intervene as earlies possible in judicial review or seek to do so, and if you can get the claimant to agree that that they support your intervention, that's obviously a very helpful thing. And judicial reviews can have a very significant impact if successful. It's linked to the quashing of a piece of secondary legislation but they can obviously be very costly. You're potentially exposed to cost risk as an intervenor or charity, and there are many barriers to success, standing as a claim it, the permission stage, getting permission to intervene, and public authority ultimately even if you do quash the decision that you're challenging can then just make the decision again in -- the same decision but without the procedural impropriety that you have challenged.

So ultimately, you do have to think about whether that's getting you to where you want to be, and the government, as we have all seen is increasingly hostile to judicial review and interventions, good law Project, particularly, who works for government does not like that, and they're interested in trying to introduce to the court a lot of new legislation.

So my experience, it's preferable to have early engagement with government, consult, respond to consultations, setting out legal arguments, proposed legislation rather than waiting until the only route is judicial review. Thank you very much. (Applause)

SABA SHAKIL: That leaves us with ample time for questions and maybe even get you all in first for lunch! So Bess is going to be walking around with the microphone. Are there any questions?

>> And I'll say to anyone online, feel free to write questions in the chat.

SABA SHAKIL: Otherwise, I can kick us off. So one of I think the key issues that's come up and will be one of the obvious questions is this idea of resource scarcity, and I realise this applies slightly less to you, but the obvious question is, in the midst of funding applications, I'm sure you all have lots of experience with that, what's some key advice that you would put out there, and what's some key tips that you have that have found have made your applications particularly successful? And I'm particularly --

CHRIS BRILL: All right.

So, yeah, one thing that I would like to say then, I guess, is we worked with Lloyds Foundation on the [ inaudible ] that I talked about. What was really good is we then applied for further funding from them.

So there's been some funding that we received to say a year, year and a half, and have come back to them and got more. And that's affected by using the resources. Particularly with the Lloyds funding, we engaged everything that was involved in the secondary. So everyone that was volunteers, the panels influenced, they were involved in writing the bid, our board with lived experience, they were involved in the bid, so having everyone together is really, really good for a bid, and funders are kind of looking for that thing as well.

So, yeah, that's my one take away.

>> We have not engaged in bids because of capacity, so we're actually quite bad as doing [ inaudible ] trade unions, and turned it down, we have really strong moralistic values and are aware of NDAs being used, and things in those environments, we need to get over that to get funding but we [ inaudible ] speaking engagements and that kind of thing, and we have for the first time this year been able to cover our costs through those rather than being out of pocket but, yeah, hopefully at some point we will have more people on board to do they see bits, yeah.

SABA SHAKIL: I think that's really interesting because from the PLP perspective, we have just crystallized our funding raising and bid strategy recently and I think Lee can probably speak to some of our experience with grant applications.

LEE MARSONS: The two things to tend to make or break an application, in my experience, one, why you, why is it your organisation in particular that needs to do this research rather than another organisation. Two, what's your actual group to impact? You say that you are going to achieve this great thing by this research but what's your actual delivery plan? What people do you need to Aoife to make this change, and how would you access them? For me, that tends to be the thing that makes or breaks the application.

SABA SHAKIL: I guess, David, it would be interesting to hear from your perspective, law firms do kind of, for example, give, like, PLP has outsourced research to bigger law firms and stuff, what's the determining factor, or even in the pro bono context.

>> I might pass to Sarah, who's in the pro bono team, I'm not actually [ inaudible ].

>> Hi, yeah. Absolutely.

I think, you know, as you identified, we have a lot more resource here, and a lot of our lawyers and, you know, members of staff are really keen to do this work because actually, you know, a firm like this is made up of lots of individuals who actually feel really partiality about a lot of the things -- passionately about a lot of the things that you were discussing today.

And so most big law firms like this do have projects and programmes where we engage, like you say, to do research, to add some of that resource -- that particularly charities need, but also, increasingly, have things like a foundation that can give grants to organisations, or particularly the one that we have relates to access to justice projects, and I think sometimes people just aren't aware of where you might be able to get other parts of funding that maybe aren't the usual big donors so I guess that's to add to that but, please, find me in the break and ask some questions.

SABA SHAKIL: That's interesting, and from a pro bono perspective, it raises this question, as a practitioner, how do you set aside time to incorporate that into your practice, and it's a broader question for everyone here as well, obviously you've done us a huge favour in talking to us, and taking that time out of our board work, and a lot of you may be invited to do similar engagements and devote time away from your ordinary work to help upskill and train others, and I guess what helps you make that decision, what makes it easier, and what demands can you put to an organisation who is asking you as PLP have done to help uptrain others, what's things that makes that easier for you, and the obvious one would be [ inaudible ].

CHRIS BRILL: [ Inaudible ] engage with the work that we are doing, whether that's someone who's got work that they want funded and doing, they can fund this, but also people that are interested in what we want to do, and get involved.

So we're completely about the network, and people who have a desire to make a difference, so [ inaudible ] resonate with, I want to be a part of that, I want to be part of the groups that we do, and that will make the work that we do more impactful, and better.

So it's all about reaching people.

SABA SHAKIL: Knowing that there's that likelihood of follow-up to come from whatever you're -- Verity, is that similar to you?

VERITY NEVITT: If it's something of interest, as well -- covering costs of attending events is really important for us.

Sorry, I can't remember what the question was.

SABA SHAKIL: That's fine, it was incredibly long-winded, what motivates you to take time out of your ordinary job, and come to events like this, Lee?

LEE MARSONS: I'm lucky enough this is part of my job. I'm salaried.

SABA SHAKIL: He also does love coming to conferences.

LEE MARSONS: The most important thing is an understanding line manager that you can communicate these things to, and they will help you manage your various responsibilities. Attending an event is work. Having to prepare a presentation is work and I did prepare a lot of this on the train but officially I should have not, but it would have been a couple of days in advance but having colleagues that you can effectively communicate with, that the stuff that you do is work, not a nice extra on the side.

ADIS SEHIC: We have a very busy practice, of billable work, and that means for me that's massive commercial litigation cases that can go for four or five years, whereas the pro bono work [ inaudible ] clinic representing children [ inaudible ] that's an example of somewhere, a piece of work that's a lot shorter in time scale and has a tangible impact and can make a difference.

And I'm lucky that our team has certain partners that are very supportive of that.

And we have fantastic pro bono teams that make it very easy to you to take projects on when you have time.

Obviously you do take on things, and you get incredibly busy with the billable stuff, but the SRA made it incredibly clear that pro bono stuff is should take the same level of priority as billable stuff, so we make that clear to the partners.

SABA SHAKIL: Just over there.

>> Hi, my name is Ian, I work at good law Project, where we annoy the government as much as possible.

So that was really interesting. One of the things that you have all touched on there is being conscious about basically monitoring and evaluation, like considering how effective your he states -- your efforts have been. I think for lawyers, we look at how did it go, it's easy to say whether that was useful or not, looking at colleagues in parliament affairs, sometimes impact just happens, and sometimes it doesn't even if you have worked really hard. How do you look back and sense try to assess, did it not just happen or could I have done better?

SABA SHAKIL: Anyone want to ...

LEE MARSONS: I to set aside time during the actual process of the event, and if you're working on a particular bill, go through the Hansard, do a search for the name of your organisation, and key phrases or statistics that was in your brief but not in someone else's. It's important to have the document from the very start to know what are your impacts, and that could not just be useful for you knowing what you have achieved but also for funders, when you have to prove that you have achieved these. I'm better at compiling this document at sometimes rather than others, but don't be too hard if you can't achieve a really compelling picture of what your impact is.

Sometimes what we try to do is really difficult, and that's just reality. But we have to keep trying, nevertheless.

CHRIS BRILL: The only thing I would say that's not kind of obvious, I guess, we hopefully, you are trying to do something and that thing happens, that's a way to measure that, whatever it is, for us it's kind of all about the experience of people taking part. As long as it's been good experience for everybody and they have been, it's a particular support they have received that has accessibility them with whatever aspects and they have enjoyed being together and being with everyone while we are doing stuff. I think that's really important. So we do kind of constantly make sure that we are giving people opportunities outside that specific piece of work, and when we are kind of reviewing, at the end of the funding we have got to do a report, we are always asking people what they sort of enjoyed about it and people generally say, "Yeah, this is brilliant", all that sort of stuff, and then we used what people enjoyed or could have done better for the next bit of work, we kind of monitor everyone's experience.

SABIR SHAKIL: That sounds like it resonates with what you have been saying Verity in recognising that there is personal cost of all of this work that you do as well, and so you know, it's great to have formal statistics on impact and you know, the things you have been able to achieve, the flip‑side of what you are saying Chris, is recognising participants had a good time but that it's also a worthwhile and kind of like a safe journey for you to take part in, does that sound about right?

VERITY NEVITT: Yeah, definitely we are very outcome focused, when we review, did we get to the point we want to get to, [Inaudible] also sometimes (no mics). It's just getting our name out there and people practising a bit more with media interviews and broadcasts, so it's things like that as well, well that's useful for the long‑term, that's skills that we have [Inaudible]

SABIR SHAKIL: Is that all, or is there another?

>> Hi everyone, my name is earnest, with regards to influencing policy and legislation, I think Lee touched base on, you know, the whole experience with the illegal Immigration Act, what have you learned so far and what can be done differently, because you have seen now and then that the government really imposing hostile Voices, mostly on migrants, asylum seekers refugees, what can we better in terms of influencing law and policy, thank you?

>> That's a big question, it won't be a clean answer. I haven't thought about it, it won't be a very clean answer because I haven't thought about it. Basically sometimes you do just have to set your expectations quite low, and nevertheless recognise that this thing you want to do is still extremely important, so somehow you have to find the motivation to carry on I think though you know you are going to lose. I don't think that's discussed enough in the sector, giving employees enough motivation to carry on, even though you always lose, what do you do in that situation, how do you help colleagues work through those feelings?

       So I guess the lesson is, set expectations low but carry on and figure at what you are going to do, if and when there is a change of administration. So, how are you going to package these things that you believe in, in Starmer‑rite language and what policies are actually achievable from a next government. It's a woolly answer, but I'm sure if I think about it over lunch, and then I'll catch you. Like you say, there is an element of luck to it, I think that's particularly comes in the administration point and goes back to the idea of what responsibility that people in this sector take on, organisations and the people they represent is a constant uphill battle and it feels like a lot of it is recognising the limits of what we can achieve, aren't actually defined by how much work we are putting in and how many consultations we are responding to, how many things we are feeding into it, there are so many external factors beyond are control, especially when you said, you have got with administration, it's minded towards a hostile environment, it's sometimes waiting for the right opportunity, for example, with administration change, and then channelling your resources, I think PLP has really come to grips with this, how do we shape what we are doing around channelling all this energy into a new administration and trying to maximise impact based on a change of circumstance. So, yes. Another question.

>> I'm kind of coming back to you, I don't know if I need a mic, I work that Immigration Law Practitioners Association, I wasn't involved in the briefing, so, I can't speak to that, just to come back on what you said and what Lee said, it can be difficult and I think it's okay to say that and people don't say it very often. You feel like you are never winning or never getting anywhere, I think particularly where we are one step removed from lived experience, it can be difficult to keep going and have motivation to. I think connected with other people and events like this really helps, but I also think focusing on small wins can be helpful, like tiny little changes that you might get to like a piece of policy guidance rather than completely stopping the illegal migration act or the safety of Rwanda Bill which is never going to happen, or getting lots of amendments on the table so it takes a lot of time to go through the law, so there is a lot of ping‑pong, it's kind of shifting your brain and being realistic like Lee said, thinking we're not going to stop the Bill, but we might make it go through ping‑pong for a long time and we have couple more weeks and like you say as well, identifying people, if you perhaps sometimes, I know this can happen sometimes, you might meet a senior civil servant who can really help you get a particular policy change in guidance or something like that, so I think focusing on small wins as well, is keeping it going with the larger wins as well. I do a lot of the legal aid side of things and when I was recently doing a consultation for that, this is a reflection of what Lee said as well, earlier, I used a 2014OPA response that said exactly all the same things that I was writing in my 70‑page, and it made me feel like this is a bit pointless, but I'm focusing on small wins, and... can kind of help. I don't know if that really answers your question, I just wanted to comment because I had loads of thoughts about the discussion, yeah.

SABIR SHAKIL: Thank you, absolutely. I think that idea of kind of small wins is kind of permeates everyone's work and this idea that no matter if you work in similar sphere and as removed as we might sometimes seem from individual beneficiaries, we have an amazing casework team and David you have experience of working with clients and see I think those individual wins for people in courts and PLP in the office, are notice board is kind of plastered with notes from clients, it's not our cases overturning the entire Universal Credit system, you know it might have changed one tiny facet of it, but to those individuals it means everything. David you probably can speak to, as well, how it feels to be more in the law technical side of things, but still that feeling that, that gratitude and that joy.

DAVID SIESAGE: Definitely, I think ([Inaudible]) (no mic). Those sort of wins where you get that one person [Inaudible] we don't push bids, policy, (no mic [Inaudible].).

SABIR SHAKIL: Any more questions. If not I'll release you to get in line for the sandwiches. So thank you so much to our incredible panel, I think we have such a lot of experience, thank you all for attending. [Applause].

# **Breakout session 2 – Discrimination, language and communications**

>> If I speak, can everyone hear me, or would you like to use a microphone. Hi, everyone, thank you for coming. I hope you're having a really good day here, and thank you to public law project for bringing us all together and for hosting this event. My name is Julia, I'm policy and strategic communications manager at the Migrants Rights Network, joined by two great speakers today, and obviously I'm not biased but I work with Fizza so I know she's great. We were meant to be joined by a third speaker, Nic Cook from Difference Northeast but unfortunately they're unwell and not able to make it. So I wish them a speedy recovery.

Thank you for coming to this session. This session is discrimination, language and communications. Just a couple of housekeeping bits before we begin. Hopefully this goes without saying but this is a safe space, want to make sure that it's respectful to everybody here including us speaking. So want to make sure that we are not subjecting each other to any kind of emotional harm, oppression, and so on. Hopefully this goes without saying because this is a session on discrimination but, yes, just so that we are all clear. If anybody -- we're also going to be talking about some heavy topics today. So if people need to step out at any point, that's absolutely fine.

Before I kind of go into -- pass over it our first speaker, I'm just going to -- I think it's important to give a little bit of context about why this session is important. I'm sure as all of you are aware, working in this space, hate is increasing in the UK but also in many countries across the world, racism, misogyny, anti-Muslim hate, queer phobia, transphobia, and other forms of oppression are rapidly increasing and unfortunately spouted by members of our own government and media outlets and the statistics back this up. In 2021 to 2022, hate crime was up by 26 percent including a 19 percent rise in racially motivated attacks, 56 percent increase in trans people, 43 percent rise towards disabled people.

And sexual orientation related hate crimes were up 21 percent, hate towards certain religious groups is on the rise too, with Muslim and Jewish people being the most targeted groups. However, what's important to say here is while it's important to tackle hate and discriminatory language, we also have to look at not only the way that this is embedded systematically, systemic oppression is embedded in society but also how these forms of hate overlap and intersect.

Something how this is often reinforced by language and policy.

For example, speaking from my day-to-day role, and Fizza is going to talk about it more in her presentation but in the migrant advocacy space, migrant is often looked at as a siloed space, and rarely looks at the construction of migrants through an intersectional lens and considers how systems of oppression shapes our idea of who is welcome in the west, and scapegoating and the painting of marginalised communities as threats is a really established and effective structure mechanism by those in power and the denial of all forms of oppression towards marginalised groups, racism, homophobia, ableism, transphobia, Islamophobia play a key role in scapegoating, and is often used to veil oppression that's essential to constructing the idea of a threat in public consciousness, and marginalised groups are often targeted by this, and we can see this in the so-called culture war at the moment.

So the question that I want us all to consider today is, how does language contribute to shaping these ideas, and how can we use or perhaps reclaim certain rhetoric to tackle systemic discrimination. So with that, Tracey, I'll hand over to you. I'll do your slides.

TRACEY LAZARD: I think I'm actually going to and sit over there because I need to refer to the slides. Hi everyone, really good to be here today, my name is Tracey and I'm the CEO of Inclusion London, we're a pan London deaf and disabled people's organisations. We do two main things really. We provide a range of custody building to front line disabled people's organisations in London, we work with about 70, and we also do lots of policy campaigning and voice work on disability, equality issues. Okay. So I'm going to kind of talk a bit about how the disabled people's rights movement and the development of the social model of disability and social model language, how that's really helped to reveal the structural nature of the discrimination that disabled people face. So I'm going to give you a whistle stop tour of that. But just a couple of things that I think, just to kind of, you know, caveats, health warnings, I think, you know, we need to recognise that language is contested. It's organic and evolves. It will continue to evolve.

And I think we also need to understand that it can be used as a stick for -- in a moralising way to blame people and to silence people and you use bad language, therefore, you must be a bad person. And I think I personally, we've really got to do everything to reject that.

We know language has caused lots of anxiety. It can silence and intimidate and exclude.

So I think we need to recognise all of that, but equally, understand that language does matter.

It's real, and has real impacts in the real world. It does reflect understanding and politics and structures of power and I think and I hope that what we can do is learn together in that spirit of solidarity, realising that we are always going to get stuff wrong, but we need to work together. That's the spirit in which I'm going to talk about the language.

So I'm not part of the language police patrol. Right, I'm going to take you through briefly, people do three-year degrees on the social model of disability and I've got about ten minutes. So I'm going to take you through the historic understanding of disability the term and the views of disabled people as a result of that understanding and then take you through disabled people's radical rejection and alternative understanding which is the social model of disability.

And then I'm going to kind of hopefully communicate to you how we have used language to reveal that socially constructed nature of the discrimination that we as disabled people and people with impairments face and, finally, and hopefully it will make sense by then, why we say disabled people and not people with disabilities.

So this is an attempt at a visual description of the historic traditional but alas, also dominant understanding of disability and what we have here is a series of images of people -- disabled people with the kind of thinking that's wrapped up and part of that mush which is the word "disability."

So what's critical to understand here is that all of this, all of these kind of assertions and assumptions here, we've got assumptions here that disabled people can't possibly be parents, they kind of are okay as passive recipients but, you know, can't really make decisions.

And as organisations run by and for disabled people, you know, our space is still dominated by disability charities that are not run by disabled people.

And that would not be acceptable in many other kind of equity strands.

So that kind of idea that we can't quite manage our own lives is really profoundly entrenched.

Not as productive, can't do most jobs, can't kind of lead a decent life.

You know, likewise, you've got completely conflicting stuff that we are hearing today from Sunak that we are lazy scroungers and need a bit more of the stick to get working. But effectively, it was better if we weren't really seen and kind of locked away, which is what a lot of disabled people were and continue to be, the heart of this hinges on this idea that disability is what an individual can't do. You know, so you've got a whole set of thinking coming from that, oh, that person can't see, therefore, they can't have a job. That person can't walk, therefore, they can't be a parent.

So you've got a whole description of something biological, cognitive. Then you've got a whole shed load of stuff that comes with it, and is wrapped up in it. Next slide, please. The thinking, the medical tragedy model is very much about disability is about having something wrong with the individual, thinking approaches and perceptions rest on and are justified by assumptions.

       That idea that we can't quite manage our own lives is really profoundly entrenched. Not as productive, cannot do most jobs, can't sort of lead a decent lives. Likewise we are hearing conflicting stuff day‑to‑day from Sunak, that we are lazy scroungers and we just need a bit more of the stick to get us working. Effectively we are not normal, a bit upsetting it would be better if we weren't really seen and kind of locked away, which is what a lot of disabled people were and continue to be.

       So, the heart of this hinges on this idea that you know disability is what an individual can't do, you know.

       So, you have got a whole set of thinking coming from that, so well that person can't see therefore they can't have a job. That person can't walk, therefore they can't be a parent. So you have got a whole ‑‑ you have got a description of something biological, cognitive, then you have got a whole shed‑load of stuff that comes with it and is kind of wrapped up in it.

       So next slide please.

       So, the medical, the medical tragedy model, disability is having something wrong with the individual, thinking approaches and perceptions rest on and are justified by assumptions about what the disabled individual can't do. Because they can't do x, y, z that means they can't expect to lead lives like other people.

       So, disability is a problem for the unfortunate individual, and maybe there family. The right response to disability is cure, trying to cure the individual, make them as normal as possible and if that doesn't work, kind of treat them in a very segregated way. You might call that 'special', special transport, special schools, but it's segregation, and separation.

       That heart of all of that kind of tragedy, kind of sometimes called the charity model, is the idea that disabled people really need to be grateful for what we have got, just don't kind of have ideas above your station, and just continue to be passive and don't you dare challenge or ask for too much.

       So, that is the kind of dominant frame, and like any kind of form and system of discrimination that's internalised within us as individual disabled people as well. So that's kind of what we are fighting against. You will see that, you know, that essential kind of focus on difference, then justifies a whole set of how society treats us.

       So, moving, moving on.

       What we have here is the radically different understanding of disability. This has been evolving over the last, I keep saying forty, but it's more like fifty years now!.

       Basically since the 1970s, where, you know, inspired by the great civil rights movements, disabled people, many of whom were just routinely locked up in long stay hospital, living on ward, made to go to bed at 5 o'clock in the evening because that's when the night staff turned up. We’re asking, "Why am I here, why am I living like I'm in prison just because I can't walk? What's going on here? Why am I living like this?"

       Out, of that kind of initial questioning came the beginnings of the disabled people rights movement, which was the beginning of disabled people self‑organising. We have had disability charities for donkeys years, I remember as a kid myself you couldn't get into a shop entrance without one of those statutes, with a slot in the head that you kind of stuck your 2p in, because the girl had the callipers, that's charities for you and they would have been very happy to continue to pedal that tragedy model.

       So, disabled people said, "Sod that, that's not our experience, our experience is that there is something about how we are treated in society and how we are viewed", "That's why I'm locked up in in hospital, that's why I'm a victim of hate crime. That's why I just face all this prejudices.

       So, the social model evolved to really name our really experience and that experience is of systemic and structural discrimination and exclusion. Here we see just a range of some of that, that, how that system operates. So we have got, still, inaccessible homes, buildings, public spaces. I mean, the scandal of inaccessible housing for disabled people is just not understood and it's, it's... it's an absolute scandal.

       We have got inaccessible public transport there is something like 33 of the hundred or so tube stations in London are actually fully accessible for wheelchair‑users.

       We have constant human rights abuses, particularly linked to people who are supposed to be so‑called being 'cared for' in institutions. We have the rise of segregated education, you know, this, this government's proudly announced the creation of more segregated schooling and we have the consistent and ongoing discrimination within the workplace.

       We have got the whole system of othering and attitudes that view us as less valued. Less productive. You know, just something, all of the stuff we just talked about.

       Inaccessible information, poverty, exclusion and you know, just that fundamental which is where I think we all have to kind of unify together, is just that the political decisions that keep resources away from us and going to the 0.1%, rather than actually, you know, people, human beings.

       So, the social model is radically different and, you know, as a disabled person myself and I think the experience for a lot of disabled people is if you take up all of that other crap, you think oh God I'm damaged goods, you know x, y, z, what won't I be able to do? Actually meeting with disabled people and being shown this new political analysis and understanding, is genuinely a life changing moment and incredibly powerful.

       So, obviously you know, we need to come up with a language that reflects this and so ‑‑ next slide ‑‑ I think that, I'm not going to talk about the terms, use this, don't use this. I want to kind of focus in on ‑‑ oh, have skipped a bit.

       So, this is just really some of the thinking behind the social model, so you know it's barriers that disabled people with impairment. Very importantly we are not saying impairment doesn't exist it's not real, we are not saying it's trivial either. Impairment can kill you, it can be a really tough, a tough thing, but generally you can't change impairment but you can change society. It is the stuff happening in society that is often, you know, the most problematic, not always, but often the most problematic and difficult thing, you know, for disabled people in our day‑to‑day lives.

       So impairment is just part of life, you know, it's inevitably. There is nothing wrong with it, but disability is created by society and therefore it is in no way is it inevitable, you know, most of us in this room wouldn't have been allowed in a space like this 150 years ago, or much more recently. You know, we construct society, every single day and our discrimination like discrimination every community faces is not inevitably, we can change society.

       So, the right response to disability is to do that. To change society to own that discrimination, to understand it how it operates, to remove barriers and to put the resources into genuine inclusion and equality.

       So,... this is what I was just about to get on to. So, I think fundamentally what the language of the social model does is split open and reveal the difference between impairment and disability.

       So, you know, people go, "Oh impairment is not a nice word", no it's not very nice. It's not great. The fundamental thing here is that in naming these two different things we are separating and revealing that a lot of what we have to go through as disabled people has absolutely nothing to do with our impairment, and everything to do with how society is run and organised, and structured.

       That is a profound distinction that the social model enabled us to have. Before then it was all that big mush, you know and we know that when we are not clear about our language we get into that kind of reductionist, essentialising where you are back to, "You can't do 'x', that's why you are living in poverty and haven't got a job." *Et cetera, et cetera*.

       The fundamental thing about creating this distinction between disability as a system of discrimination, that is experienced by people with impairment and impairment is naming, naming all of that discrimination.

       So I can't get across how powerful that is, because until that distinction is named and revealed, as I said it all just kind of collapses in on itself and we're back to some kind of reductionist idea where you know, is it because somebody is blind that they can't get a job, or whatever.

       So, that is kind of fundamentally the point about that distinction.

       Lots of people don't understand it and of course, because most people still have not had the opportunity to understand and learn about the social model of disability, so you get people like impairment, "Don't like that word", I'll get on to them why we say, "Disabled people", but this is about learning. Language is learning and we need to spread the word really.

       Next slide.

       Sorry a bit of a stream of consciousness this, this long sentence, but what I'm trying to get across here is without that distinction, you know all of that discriminates that we face just becomes invisible again and gets kind of folded into and reduced to that discrimination of impairment, the probably is it it's individualised, it's a) historic, you can't do anything about it, it's really convenient for lots of people that maintain this system of discrimination, so it's absolutely vital that we keep that distinction in our language.

       That is why, finally, my final slide... oh... yes. That is why we say, "Disabled people", are not people with disabilities. So disabled people is a cultural, political, organising term, whereby people with a whole vast range of impairments are able to identify collectively together and build solidarity to say, look, you know, we are disabled by society. We are disabled by the structures in society that discriminate against us.

       So, it's been an incredibly radical and mobilising and kind of political tool, and again, that's in stark contrast to lots of the traditional disability charities, you know, you go into a meeting with a minister and routinely, you know, I might be the only representative from a DPO there, a disabled people's organisation, everybody else is there, nobody has identified as disabled people, and they spend twenty minutes talking about their charities, impairment‑specific stuff. Completely entrenched in that medical model. When you build that alliance and solidarity you can start to make real structural change that's what disabled people have done over the last forty years, campaigned for rights, developed the social model, got that understood. We do now have rights at kind of UN level and kind of 'kind of' with the Equality Act. But we are starting to see disability understood as a system of discrimination, as a system that needs to be addressed alongside the other systems of discrimination, and obviously the intersecting nature of a lot of those systems, and not a medical tragedy kind of charity or Social Services issue.

       So, we have created profound change and we need to continue to do that. So that's why we say, "Disabled people", and why people with 'people with disabilities' is wrong. Once you understand that disability is system discrimination you can't really have it, it doesn't work like that. That implies that you are wrongly conflating again impairment and disability.

       So politicised disabled people will say disabled people. Now the vast majority of disabled people out there, you know, a lot of them will take umbrage and go, "I'm a person first." You have to respect that there is that internalised oppression and the lack of exposure to the social model, but I think it's really important in progressive, political spaces that we understand this language and we use it properly and explain why. That's really key and not kind of blame or point a finger but just explain why this is important. Hopefully that is just a little bit of an explanation of I think the profound thing that social model understanding and social media language has kind of helped us in our movement reveal the really systemic discrimination that we experience. I'll stop there.

>> Wow, thank you so much.

Yeah, you covered so many things there, and I was making notes as you spoke. Certainly as a disabled person myself, a lot of what you said really resonated with me, and especially what you touched on, that there is hostility to acknowledging ableism in society, and that's something that resonated for so many other parts of social justice movements as well, and definitely something that my friends have experienced as well, and especially things that you were saying about how disabled people are made to feel like they're inconveniencing someone or a burden and when those changes in my experience or more so friends that I have, when they ask for those adjustments to be made or those conversations to be had, it's kind of the most minor reforms or tweaks rather than getting to that root of why society is structured that way and you touched on so many things that will come up in the rest of the session but especially the emphasis on the structural change is so important and really should be addressed by parts of the social justice sector. Yes, specifically around looking at the root of discrimination and agency and power dynamics.

I know you talked about how disabled people were never really included in the power structures or, you know, like, the organising that's happened amongst disabled people.

And we have talked about this so often, Fizza and I about how marginalised people are often talked about or when they are asked for their opinion, it's often quite in an extractive or exploitative way.

And also the point you made, I think you made so many good points that I have to touch on, from what you said about getting stuff wrong as well, is really important.

And, again, what's been really shocking to me is how resistant people are to accepting that, and accepting that learning is a good thing and we are going to get stuff wrong. I know for me a lot of the language that I used to use, I would never use now and words do change. I know you're going to talk about that.

Especially how you were talking about how people are constructed under that medical model and especially that point about the deserving, passive, and grateful disabled person overlaps with this broader construction of a vulnerable person you talked about tragedy, which I think is really important.

And, again, something that we have talked about a lot is how often people are seen to be inherently vulnerable and there's never the discussion about, well, the system. And I think that leads nicely on to Fizza.

FIZZA QURESHI: Apologies, croaky voice, I'm getting a cold and I hope I don't infect any of you guys. Apologies if I do. Thank you very much for the invitation my name is Fizza Qureshi, I'm the CEO of the Migrants Rights Network.

Yes, Julia is biased. We'll come through, but here we are.

Who is MRN? We are a charity that works alongside migrants and fight for their rights and justice. It's about building campaigns, it's about addressing systemic change and the wider systems of oppression so that we can actually create transformational change which extends beyond the individuals' lives but to tackle the oppression at its source. So we have evolved as an organisation as Julia mentioned, language, but also we have evolved in terms of our values and how we work as an organisation.

And so we are moving as you can see from our values which are just listed at the bottom, we are very much on a intersectional journey and an approach to our work.

So we talk very much about how disability intersects with migration and there is a lot of overlooked and misunderstood areas around migration and how it intersects with other issues and social justice issues and identities. We are an organisation that wants everyone to be free to move and no one to have to be forced to move. And I think that's like, you can see that's quite relevant to our current-day context in terms of what's happening globally we are a lived experience and values led organisation and that's a really important aspect. So it's not about representation politics. It's also about the values that people will bring to the organisation and how they want to fight alongside migrants and their right for justice.

As I said, our approach, my text isn't there.

It basically said, intersectional and transformational change, oh, there is. I didn't know I had done an animation. I don't usually do this.

This is an example of who we are and what we have done more recently over the past couple of years and we have talked about the issues that are intersect with migration around queerness, Islamophobia and racism, which is, believe it or not well understood by the migration sector, and it's also very white led and not lived experience-led, so, therefore, there's some gaps there that need to be addressed.

What I would like to do, though, is really kind of, yeah, sorry, I should say, when I talk about migrant, we use it as a general umbrella term. So we are talking about other groups being a subset of migrants. That's including refugees and if you want to know more, we have a explainer explaining why we use that, but we talk about us as migratised individuals, individuals like myself who have not been on a migration journey but I'm always seen through the lens of my parents' migration journey and I'm still affected by immigration policies and systems because I can still have my citizenship deprived because of my parents' ancestry and heritage.

So we do look at things at a broader level as well. If you go on to the next slide, which is around, I mean, I'm sure many of you will be familiar with these awful headlines and the language that is used in these headlines. What we would say is obviously, it's always -- there's always a point around, it's not racist to talk about migration and yet it seems to be the proxy for racism, where conversations are, well, who are they really talking about, when you think about who's having to cross over in the boats, they're brown and black people having to cross over, whereas they could be given safer routes like through the Ukrainian scheme or even the Hong Konger scheme.

And it's sadly been made ever more palatable by our politicians and the media. We're seeing more and more inflammatory language and it's not being challenged.

You have -- if we go on to the next slide, you will see from the legal context that's affecting migrants, the language that's been used by our, where are we, fourth home secretary, we've had invasion, threat, you name it, it seems that migrants are the easy political football that can be scapegoated and there's this assumption that they are voiceless. They're not voiceless. They're just not heard. They're not listened to and the government has got its backing to talk about them in these dehumanising and discriminatory ways. So we have this language, and you might think, well, that's farfetched. But the language of illegal has manifested itself more and more, the boat crossings, people coming to claim sanctuary and protection are now not sanctuary seekers, not seeking people asylum, they're illegal immigrants. So this changing their categories according to what government is in power and the policies that they want to enforce. And that's led to the nationality and borders act. That's led to conversations around amending the refugee convention itself, something which is sacred, which no one would say, which we would say maybe needs to be expanded so that it actually is encompassing more people who need protection not narrowing it down but you will have this -- you have our ex-home secretaries who wanted to essentially increase the threshold for someone who wants to come and claim refugee protection, which seems crazy that you want someone to be harmed physically, psychologically, et cetera before they can say, here's the proof and the evidence.

And we can't ignore the fact that a lot of the planning that is used, the idea of swarm and invasion, it's almost always used with images of people of colour and you've seen it from the Farage posters with Brexit, all the way when you see the images of the boats, they're showing people on the beaches finally making it to safe land. And it conjures this clash of civilisations, this idea that these outsiders are coming to the UK to take over and it really justifies that othering, again, reinforces that grouping of, they are not as someone has said already, like us. They're not just like us.

And so this idea that we need protection from these people when all they're coming to the UK for is protection. And obviously, you said, language is really important, it's about creating that welcoming and inclusive environment.

But it's got to a point where it's so damaging and harmful that a lot of the migrants in our community and our networks are really worried about how the media and the politicians are talking about them. And how can we kind of stand up to challenge that language. And so, if you go to the next slide, we've tried to address some of this, through a words matter campaign. This is a bit of a pitch about our campaign, which is about the language that underpins and talks about migrants, including refugees.

And it really is about looking and interrogate and exploring the language that's used and why it's used, and where that see language has evolved from, and what are the connotations with somebody else words and the language that's being used. And we launched it in early 2022, our first explainer was around the language of illegal immigration which, again, they were sewing the cedes -- sowing the seeds for the acts that followed. And people said, oh, an individual can't be illegal, and -- only an act. And that's based on your interpretation of the law, and the law being amended and changed based on how politicians see fit or even our criminal justice systems, and we also realised that there are many other words that we as an organisation and I as an individual have used in the past, and I thought, have I been denoting when I have expressed something in that way, vulnerable is a really, really important one, which we have internally kind of interrogated and thought, actually, it's not about people being vulnerable. They're made vulnerable by the systems.

That's where it should be.

And an individual has agency and that agency is taken away by the systems that they have to interact with. One of the -- and obviously we as part of that interrogation, we look at the routes through colonialism, imperialism, neocolonialism and our racist histories. So what we have been doing, we've been doing a little bit of language policing ourselves, we're trying to offer an alternative, saying, this is how this harms, and this is how you can rectify the harm that we have been come complicit in, and how we can talk about these things in a more affirming way.

Is there a refugee or migrant crisis? Anyone agree? I've got someone nodding, there is a crisis.

       I would like to ask the question, is there a refugee or migrant crisis? Anyone agree, I've got someone nodding there is a crisis, yeah. Sorry too many people have to be refugees, yeah. Anyone else disagree or think...?

>> I would, I think you can sort of create a crisis if you want to. I think there are deliberate right crises that are created so you talked about Ukraine and Hong Kong having a scheme. That a advertise a crisis, but you can have the boats coming, that creates a crisis.

FIZZA QURESHI: Yeah. Thank you for that. Essentially the crisis places also the blame on the individual, the idea that they are the reason for why a crisis exists as opposed to the policies and the systems that they have refused or kind of created in a way that make it really difficult for someone to get to the UK, say protection without, you know, having to get into a really, like you know, risky, risky boat or journey.

       So, it's what we then say, it's not a refugee crisis, it's a refugee policy crisis. It's a migrant policy crisis it's about putting it back that the emphasis is actually on those that have some power over the systems that they could actually rectify this, as you said.

       You could easily have created a route for the Sudanese, Palestinians and you know, where there are issues, very easily, as you have done for Ukrainians and Hong Kongers, I'm not saying that Ukrainian or Hong Konger schemes are the best model, but there is a model that could be built on to allow safety and protection.

       Then, so basically that's essentially, we are interrogating the language that they mean when they talk about refugee crisis, then you if you go on to the next slide, the first one was actually around the idea of illegal immigration and, again, we don't feel that anyone, no one is illegal. The fact is that, that illegality is a legal change, it's something that a State or government will impose on someone, but it's, it's the action itself. But what we ‑‑ so therefore we would kind of say other less harmful terms will be talking about irregular migration, they haven't been able to take the routes that is accessible to privileged people who have a passport, who have wealth but are people who have had taken to take a route ‑‑ the ones that we would all naturally think of to get to safety. Or people who are undocumented. There is again a misnomer that people, lots of people are getting into the country and that you know, they're hidden. A lot of people are kind of forced into an undocumented state having arrive in a country through a Visa route, through the refugee protection route and then they find themselves falling foul of a changing the immigration law, because I'm sure many of you will kind of assert the fact that the immigration law changes, literally every five minutes it fills like, there is a new changing policy and if you are not up to speed with it, it can have a detrimental impact on your next claim *et cetera* the fact that people are made, undocumented, again, by the systems as well, that they're not, not able to regularise or address these issues because the systems work against them.

       There is other language that I thought might be useful to address as well, which is the language of contribution and hardworking, I thought, I included it because it intersects so much with disabled people and people who are seen to be not economically, kind of valuable a know you are not working hard enough, or the idea that migrants are just not hardworking, they're all hardworking, if you think about why they are having to work hard, it's because they have got no access to public funds they are in usually lower income roles, because of racism in employment systems, the idea that they're all hardworking is a misnomer again, it takes it away from the fact the systems force them to work in that way.

       There is a conversation around migration is great, they bring so much contribution, economic contribution, the idea again that migrants are seen through the lens of the pound sign, that they will bring wealth, be part of our economy and we think that problematic, I don't want anyone to have been to seen, any one, through a pound sign, their worth is their worth.

       So, we would, we avoid using the language of, "Contribution' as well, and talk about people's kind of inherent worth being enough, regardless of whether they are going to be participating in our kind of... in, you know, our working economies *et cetera*.

       Again, it also feeds into that narrative that you know, otherwise ‑‑ and you know, juxtaposed with migrants are lazy, a drain on the State, they are hardworking but also this idea that they are pinched in one way or another, depending on which press you are reading.

       On to the next one. This is quite a controversial one ‑‑ Julia is nodding because she does a lot of this workshops, and does then a lot better than I do, where the language of integration is one we get a lot of push back on, but integration is good.

       We are ‑‑ we want people to integrate into our societies because it's considered that integration is a two‑way process. The idea that we are also opening up our doors and making changes and making space for them and yet when you look at what they are integrating into, if you are integrating into a system that is going to discriminate against you, is racist, is ableist, *et cetera*, that's not integration, that's you having to fit yourself into systems that exist there.

       So, we again don't use the language of integration, when we use the language of inclusion however we also wonder and, again, we are always evolving in our language and our learning is whether that is also the right time. Do you just want people to be included and there to be inclusion or do we want changes in our system which is what we really ideally want so that people don't even feel they have to talk about integration. They are talking about being part of a community immediately. There is a lot on this around integration, assimilation, social cohesion actually from the racial justice sector, which really try to dismantle the use of this word back in the eighties, but it's made a massive resurgence in the migration and refugee sector, it's all about that, how do you get them to be part of the community *et cetera*.

       I'm going to try and wrap up so you have some more questions and stuff, but the next slide is just to give you an idea of some of the words that matter, that we have explained as we have.

       This is the list so far and we have about three or four more, I think on the way, it's ever growing, language, you know, sadly our politicians and the media are giving a lot of fuel for us to build and grow on the language and the discrimination this is inherently within our language. Yeah, so I would highly recommend if you are interested please check out the explainers, I particularly realise with the legal practitioners in the room, I would be interested in a discussion if we have time to understand how, and if you can adopt any changes to the language, especially when you are presenting things to judges and the system which is so inherently, already, oppressive, but how can you make that change in your own practices? It's much easier as civil society and as a charity to say this is what we're not going to do, I appreciate that journey is much more difference for others, we have a pledge, we would love people to join and make that pledge as organisations, or individuals, yeah, and then reach out to us for any further advice, questions. Julia mainly is available for workshops as well.

JULIA TINSLEY-KENT: Thank you Fizza, and yeah, having delivered these workshops for over a year, I can confirm that integration and contribution that people seem to like as not challenging that much, it's definitely the bigger push backs that we get and people saying that migrants want to contribute and migrants want to integrate, we're like if someone wants to do that, fine, like, you know, what... what is a contribution? How much contribution is enough? What do people contribute? What is integration, what is British culture or values? I don't know.

       I think, another one we get is, "Oh I get assimilation is bad, but integration is good." I think it relates to the point you made earlier about language evolves and language changes and the point we make, and Anna and I, who I deliver the workshops with, we pull up all these examples of how integration is used in the current context. It's often very racialised and Islamophobic in the way it's being used. To the point you are making, maybe once it meant something else and language evolves and particularly it can evolve to be, it can evolve in a bad way and that often comes from how a word is weaponised against people to oppress them.

       I think, again, the point that both of you made is how language often the way people are spoken about in the media or by politics it's from that place of power structure and how people are made to be constructed in a certain way and it's always so fascinating to me ‑‑ it shouldn't be fascinating ‑‑ but how much overlap there is that's why h the intersectional approach is so needed and I think in the lead up to the General Election, as you were saying Tracey this morning, we've seen an announcement from Sunak about the latest attack on disabled people, but also Fizza you raised the point about voicelessness, that goes hand‑in‑hand with vulnerability, but also the point you made about representation and something that we have been talking about is, yes absolutely representation is important, but what if it doesn't go hand‑in‑hand with those values and we can see for example, two, well three at the last Home Secretaries, the government are led by racialised people who are bringing in some incredibly racist legislation or their parents were migrants and we are living in a really terrifying place for migrants' rights at the moment, okay, yes, representation, but what if it doesn't come from the values based place, something both of you touched on was internalised, it's something we have touched on, if someone internalises the systems of oppression how do you deal with that, if you are from a charity with a sentence degree of power, privilege and resources, how do you do that?

       So I have a couple of questions that I'm going, but I'm going to keep them short because I want to give the audience a chance to ask questions or just talk about things that came up or your own experience.

       I guess, Tracey, I had a question to you. So people say disabled people, but others have said to me they prefer, "People with disabilities", in those circumstances where someone says, "Oh I just prefer this", how you would respond or just any thoughts you have.

TRACEY LAZARD: Umm... well, I definitely think it's not about lecturing somebody there and then, because you know, we all hate being lectured at. I would hope I would explain why and try and communicate what I tried to communicate earlier, but it is difficult. We are talking about political concepts and it's, it takes time to think that through in the face of completely unexamined and unconscious and semi‑conscious kind of ideology.

       So, yeah, it's never about, oh so you can say that about yourself, you have to respect how somebody is defining themselves but hopefully create a space and explain why I define myself in a different way, and I think that, for me I think that's always really important to refer to our collective history and, you know, it's not just me Tracey saying this, there is, there is a kind of a community, a history, a collective kind of, you know, proud history of why we, why we are where we are now and why we use the terms that we do. But, yeah, it's not easy.

JULIA TINSLEY-KENT: Yeah, I think also what you just said actually, when we have been having conversations about internalisation, a lot of that resonates I think, yeah, definitely there is lectures about, like, you know... kind of having that discussion and that respect I think is really important and it's certainly something that we talk about a lot as well, thank you.

TRACEY LAZARD: Can I just add, just add something there.

       I think, you know, one of the things that I have written down, many things, inspired by what have just heard is that you know that scarcity thinking. It's just, it just underpins so much of this and that, you know, we as marginalised communities end up having to kind of mimic and take on the kind of hierarchies and prove x, y, z and use the language of suffering and being vulnerable and if you don't have that political understanding, that's you'll you've got so it can become an incredibly challenging thing to say, "Actually, there is a different way of describing yourself and understanding yourself and I think it's just part of our environment, that we all have to kind of navigate that people are more fragile, there's just kind of less hope, there's less ability I think to have difficult conversations. So that kind of backdrop of that kind of scarcity ideology, which is real, I mean, that's what's underpinning a lot of this withholding of resources and othering and discrimination, that's really linked.

JULIA TINSLEY-KENT: I couldn't agree with you more. What you touched on there is so about people taking on those stereotypes or that language of -- we have talked about this, and we're going to try to address that going forward this year, I totally agree and it's a really important point and especially something that we see a lot is how marginalised groups will pit against each other, because they were pitted against each other, and something that we have to unpack a lot, is that marginalised group is not your enemy, it's about the shared struggle. If we are fighting amongst each other, the system wins. I've got one more question, and even I'm going to open it up to everyone. So it goes without saying, there's been many pivotal moments in social justice movements over the last decade, last few years, me too, the murder of George Floyd and Black Lives Matter demonstrations but something I think continues to be very frustrating is real resistance especially in our sector to talk about forms of oppression. Like, Tracey, for example, in the last few weeks, a friend of mine has been telling me stories of all the multiple forms of ableism he's experienced in the workplace and the real reluctant-- reluctance to talk about ableism or do anything about them, or make those reasonable adjustments, which is not a term that I love which is like, "We'll do it if it's reasonable," if you insist we'll do it, but those adjustments benefit everyone and similarly, we've had instances at MRN, and you've also talked to me about you working in the human rights sector for a long time, where people haven't wanted to talk about racism or Islamophobia or gas lit you, so I wondered what your thoughts are on this, and invite also the audience to talk about it as well, and what would you specifically say to people who is that pointing out those systems of oppression like ableism or racism draws more attention to them and actually we should just be getting along.

FIZZA QURESHI: I can't get along with someone who isn't going to understand those systems and how they impact me, because you cannot and will not accept the whole of me and all the issues that I'm facing. Same as anyone else who's impacted by other systems of oppression.

I mean, we're in 2024 and we're still learning about racism? We're still on the fence about stuff?

It seems maddening to me. And that's why I was saying, okay, I feel like the language around immigration is just used as a proxy now. You can talk about migrants including refugees and people claiming asylum in really derogatory ways because it's a way that you can express your racism but in a way that's actually accepted.

And I think, yeah, there needs to be a lot of political education and a lot of political education that includes myself and others who have got other privileges and ways that I benefit from the system as it currently is as well as everyone else to really understand how your own power and privilege are kind of benefiting you or you're impacted by those systems and really interrogate that.

So I think it's, like, yeah, I would hope that people were open for learning.

Let's see ... maybe.

I don't know.

Yeah. Maybe I'm not leaving on such a hopeful note but the fact that people are here and in this space, I should say, stay hopeful, through our work, and the campaign, we have seen people approach us, we have, you know, people say, thank you so much for saying what I thought I knew but I didn't have either the courage or the way or the words yet to express it in that way.

And giving it -- putting it on a platform, like being bold enough to say, actually, we're sick and tired of hearing these narratives and this language. This is how we want to be affirmed now.

So, yeah, I think there is definitely hope there.

I think what we need to do is more of that educating more widely.

TRACEY LAZARD: I couldn't agree more.

I think there is a growing realisation, I mean, we've been doing work with funders in London and I think there is a growing realisation just that liberal approach of equal do you notice -- equal opportunities and let's hope we can do some nice work is not changing anything.

And I think that's come out of the struggles that you have been talking about, Julia, and we've got to utilise this moment. Because I think everyone knows that the system is not working anymore and we've got to really do something differently this time and that kind of liberal approach just is, well, and neoliberal approach is part of the problem. But, yeah, the ability to start even talking about structural discrimination is pretty recent. When you look back on the last 15 years, the silencing, you know, about everything is just incredible. And I think we are starting to kind of find our voice, and we have to have that solidarity, and build our coalitions and alliances, because, you know, it's a the same, it is same system, and we need to work together. You start change by naming it. And that's what we're talking about with the language, I think.

JULIA TINSLEY-KENT: Yeah, absolutely what you said about the liberal model my favourite term is the anxious middle. I wanted to open it up, I think we've got five, ten minutes left. Seven minutes left.

I'll go here.

>> I just wanted to say that I think although you mentioned it, you kind of go around it but I know for myself, I learned the language of racism, language about physical disabilities, I learned you will of that in school and I think unless you have systems that challenge what is taught in schools and also community spaces because the thing is, the school curriculum can only do so much. You have to have community spaces where people can talk where they're not necessarily censored. I like to talk it people on the right, the extreme right because the less I know what they think and why they think is, how am I going to change it. For example, I know through my work, I'm not going to go on but I know through my work, that people on the right are very involved in bringing immigrants in, trafficking, it's a double thing for them. Those people can be exploited in the sex trade and they can use those -- everybody gets their nails done from people who have been brought here.

There's a double advantage. They can show there's people coming in on the boat but they have probably helped to get them here and then they can exploit them when they get here because for those people, what's really powerful is, they want grateful immigrants to be seen so that it teaches the other immigrants where they ought to be. So that's all I'm going to say [ laughter ]

>> Thank you, that was really interesting, absolutely fascinating. I've not got a question so much as a response to a question that you posed which was the extent to which lawyers can help spread this language and limit the use of language which is damaging. And I'm a community care lawyer. I work with disabled people, I'm using it that way around rather than the other way around.

I struggle and have struggled for a long time with -- and sometimes feel uncomfortable with conversations with clients or when I'm teaching because I'm constrained by the language of the law. So when I'm teaching the law, I'm constrained by the legislation, the way the legislation is written.

And the case law that sets the precedent, the principles by which we're bound and by which we can enact people's legal rights.

So I think as individuals, as lawyers, we can absolutely be using language which is inclusive and we should be spreading that language but I think there's work to be done with legislation drafters and the judiciary, we explain that we are going to be drafting our legal arguments in a different way, because we recognise that whilst that's the language of the law, that's not the language of the people that we are representing, and speaking for.

So maybe that's where we need to be working slightly differently.

FIZZA QURESHI: Thank you very much for the point, about your constraints as legal professionals and the systems that you have to interact with and the way that they're set up now. I think it would be an amazing piece of work for legal professionals to engage with organisations like ourselves to see how -- if there is a way to slowly and incrementally shift that language but I know it's not going to be, "No, this is what we mean, you can't use this, and offer a judge a glossary, these are the new terms." But that's how we shift and change the systems, right? It's about the collaboration, it's about that allyship and building things across different sectors, and building alliances.

I very much am up for having those conversations with those who would be interested in doing that.

>> Totally echo that, and we've been doing work with lawyers for a long time, and I think it's always hit us how siloed lawyers are, and so community care lawyers, the few that remain, seriously, that's not an exaggeration, you know, rarely get to kind of engage with human rights lawyers, for example, so there's a lot that needs to be done around building that alliance and engagement across different disciplines in law.

JULIA TINSLEY-KENT: I wanted to have more time for questions, but I think we have come up to the end of the session, I know that we are on a tight schedule, so with my rights as chair, I'm going to bring this session to a close, but I hope that this was insightful, and I'm really grateful, Tracey and Fizza, both of you for speaking, and I hope that this is the start of, yeah, collaboration, and ongoing conversations. And thank you all very much for joining!

# **Closing panel: Making the law accessible**

ERNEST ULAYA: Okay everyone. Hello everyone. My name is Ernest Ulaya, and I work with migrants rights network, I'm an ambassador, I work alongside refugees and asylum seekers in their fight for rights and justice.

       In this session we focus on making the law accessible, I've met most of you, most of you are doing a great job in your respective communities, coming up with all sorts of resources, in terms of human rights, but how can we make it more accessible to those people who are much in need.

       So, this is not just a discussion, but it's rather we are here to just strategise as well as part of the community. Our focus on this session is to, you know, bridge the gaps that are in there about legal rights, and also ensuring that these powerful tools are accessible to the people who are most in need.

       So, without taking up much time I just want to take this moment to introduce the panel.

       So, in the middle we have Christian Weaver, is a barrister at Garden Court North specialising in actions against the State and he's the author of the 'The Law In 60 Seconds' a pocket guide to your rights. I must say I read the preview, it's really, really nice.

       He was also the winner of the new award 2023, at the practitioners group, for lawyers.

       At the far energy we have Timi Okuwa, Chief Executive of Black Equity Organisation, and independent national black civil rights organisation created to dismantle systemic racism in Britain, you know, to drive generation change and deliver barely having experiences for black people across the country.

       And this is Carlyn Miller, is the Head of Policy and programmes at the British Institute of Human Rights, and has over ten years' experience in human rights commissioning, planning and delivery of public services across the UK. So thank you so much guys and I'm looking forward to this panel discussion.

       Just a logistical, before we move on, well let's, we'll let the panel, present what they have and all the questions that you have we will have to talk about them at the end, and make sure you provide your name and the organisation that you are representing for.

       I'll start with Christian.

CHRISTIAN WEAVER: Thank you Ernest and thank you all for having me, I really appreciate it. It's an honour to be here and participate in this panel discussion.

       So, making the law accessible is something that professionally and personally I think is a really important thing. Fundamentally if change is ever going to come a about in this area it will actually come about in rooms like this, I don't think this is the sort of thing we can rely on our governments to deal with. Actually I think it will be through people with legal knowledge that have a conscience in this area that will drive and spearhead change and then politicians will catch up. I think it has to start here.

       So, the question is: how can we address gaps in people's knowledge about their rights and help empower people to take action, I'm going to try and balance the laptop on my knee, forgive me.

       The first question has to be: why is this important?

       I'm not going to try and sound dramatic here, but we have in this country right now, leaders and people in authority, right now as we speak, that actually don't care about us or the communities that they are meant to serve.

       Perhaps worse than this, is the fact that they actually treat us with disdain I will give you examples that I've seen with my own eyes that I can talk about to drive home this message.

       2020, the Covid‑19 pandemic, and life as we know it was different. I worked on the Covid‑19 public inquiry and as result of that I've read the WhatsApp and e‑mails that are now in the press, but they were sending that time our loved ones were dying. You will have seen the messages where MPs and their staff have talked about buying a bottle for parties while simultaneously demanding that you and I have to change every part of our lives, if our grandparents have passed away we can't attend their funeral. It's an example that blindly shows us we can't trust our politicians. The disdain is that we as the public who they care so little about actually voted them in the first place, and that should concern all of us.

       The second example is in relation to the Post Office inquiry where I've been doing bits of work. Members of the Post Office executive team, who are being paid huge salaries, literally watched the people who run the post‑offices in our community go to prison and did nothing about it when they came on notice that actually these issues might be caused by a flaw in their IT system. People took their own lives. People went to prison, in relation to being charged with theft, and fraud. Again, the disdain comes from the fact that these Post Office workers were serving the brand of the Post Office, in the shops, in local communities, but they were willing to throw them under the bus to save their reputation, it shows we can't trust the country's most established and trusted organisations, the politicians we can't trust, the organisations we can trust, the third example, I represented the family of a little boy, a two‑year old boy Obad, as the result of horrific exposure to would in his home that he was breathing in every single day. Now his parents complained about the mould in the property for years, nothing was done, and the member of the NHS complained to the landlord about the would saying it could harm the baby, nothing was done. Then they went to the property saw the mould, source that the house was therefore unfit for human habitation, and nothing was done, the boy dice age 2. They want to find their voice, but instead of saying anything sensible they blamed the familiar for the mould in their home saying it was down tory actual bathing habits with absolutely no evidence. This example shows that not only can be we not blindly trust those that should be housing us in homes that humans are fit to live in, but actually when something goes wrong, before they take responsibility themselves they'll throw you under the bus. Before the Post Office take responsibility themselves they'll throw their hardworking staff under the bus.

       The disdain that comes from that example, is this family literally paid rent to this people. So the I don't want to sufficiently dampen the mood here, but I want to show this conversation is really important, there is one thing that everyone in this room can do, as people clued up on the law, that is empower communities so they have a fighting chance not to take and accept this knowledge, that's a conversation and discussion I look forward to having today. Thank you. [Applause].

TIMI OKUWA: Thank you everyone, I'm Timi Okuwa, as I've been introduced. We are a civil rights organisation, created to dismantle structural racism in the UK.

       I'm not a lawyer, but I was a magistrate for about thirteen years in Croydon and it was incredibly difficult, over the thirteen years. The over and disproportionate and harsher sentence in that you would see for black people, young black people, typically in relation to cannabis, you would end up either with a community charge or some sentence which would actually mean that they were, therefore, could not work in certain areas, can't work in finance, law and so on and so on. So it's very, very limiting.

       Very often what we would see whenever those situations would happen and pertaining to the sentencing or what was going to happen, very often they didn't understand what they were being told. Very often they didn't have access to Legal Aid, if the duty solicitor was there, that person would probably have to see sixty people on the day.

       It's one of the reasons why I joined the Black Equity Organisation, I do believe that structural racism is still part and parcel of the experience of black people within the UK.

       In our organisation we do believe that knowledge is power, knowing are rights is empowering and will enable black communities to take black communities and other communities, to take action.

       I do believe that there are some responsibilities on us in terms of gathering knowledge and having, you know, understanding about, you know, what our rights are, but I also think that the enormous responsibility of those with and in power to ensure that there is transparency and engagement and trust, and sometimes what you see is intentional, unrelatable, legal documentation which even as a person that is educated you read it sometimes and you think I don't know what I'm reading.

       I hear your point about not dampening ‑‑ I want a happy Friday‑type energy as well. One of the biggest projects this year is what we are calling the 'Black British Mandate' we are going across the UK and working in partnership with the Operation Black Vote the main part of that is to hear black Voices, what are the things that you want from the government the next government to do. We have got the Equality Act 2010, which I guess has made some progress, but I think there is definitely a lot of strengthening that needs to happen. What do black people, black communities want from that next government?

       The second thing in 2020, 28% of black voters in Great Britain were not registered to vote, part of this project is also providing them with information as to this is what you need to be able to vote, because that's a quarter of the black population not having their Voices heard.

       I'll say a little bit more about the project later on, but I do believe that there is a responsibility for organisations like the Black Equity Organisation, to support and to signpost communities so that they can be empowered and they can be in action. Hi everyone, I'm Carlyn Miller. When the Human Rights Act was passed in 1998, the aim was two part, the first was to incorporate the rights of the EHCR so that we could access them here and the second was that they believed that in incorporating the law culture to home, we would create a culture of respect for human rights, and at the time, the committee described a culture of human rights where people understand and claim their human rights, and duty bears are accountable. That was the aim 25 years ago in the UK.

And as someone who has worked in human rights for 12 years now, I worked in care homes, and then went to Scottish government and worked on human rights-based legislation self-secretary support act which was seen as a bit of really forward thinkingly progressive human rights policy and legislation and at that time, I sort of was fairly disillusioned with policy and law and actually whether any of that was making any difference for anyone on the ground.

And I then left and joined BIHR, and I will tell you a little bit about them in a moment, I've been there for six years now, and the reason I've been there for so long is that they're a unique organisation in that they do four things. I believe all of these four things need to happen for the law to make a difference for anyone. The first thing BIHR do is we work directly with people trying to access services to support them to know their rights and claim them in those interactions because my experience working in social care is that people accessing services are trying to access them and don't know their rights, they don't know how to challenge and say, "I actually need these services because otherwise it will breach my right to a private life." Or I want to get this change to my social housing because the mould is having a n impact on the health. People don't know their rights and can't advocate for them really. The second thing that needs to happen is that communities need to know their rights, and then they can collectively advocate, because it's so important to be able to do that collective advocacy for your community and I'll talk a bit about our work with communities in a moment. The third thing that needs to happen is that public bodies and officials need to be trained in human rights law. We so often forget this and I'm a person, and it's because of my upbringing really but I don't see public bodies as the enemy as a general term. Like, I'm pregnant right now and I've been arguing with the NHS for months so it's not that I don't know that problems happen but I think that there is an issue, we're not going to get to a solution if we demonise public bodies. My mum is a nurse and my dad is a care worker, they went into those jobs because they wanted to uphold rights and it doesn't mean that it doesn't happen and it does happen a lot of the time but what we forget is that those staff often aren't trained. They're not trained in human rights law.

No one is commissioned training for them.

And that's really key. If the duty bears don't know the law, what chance does anyone have of having their rights up yelled, and the fourth thing we do is working with policy makers challenging new legislation incompatible with Human Rights Act and lower power structures like NHS or local authorities or that kind of thing. So the reason that I've been at the BIHR for so long is that you struggle to be anywhere that isn't doing those four things, because one thing alone isn't going to create change, and fewer supporting people -- if you're supporting people to know their rights, but they go to the GP or whoever it is and say, I've got a right to that, and that person says, I've no idea what you're talking about, that's not going to change anything. Actually, it could work the other way because they know their rights and they're just blocked.

So I'm really passionate about all four of those things and in terms of making the law accessible, I was just going to talk briefly about our work with community groups specifically, so we got some funding in 2022 to work with community organisations to support them to advocate using human rights law with services, basically.

And it's like, it allows for wider awareness raising workshops, where community groups come and learn about the law, and kind of what rights are covered in domestic law, and how they can use them in their own situations which is amazing. This week alone we delivered a workshop on Wednesday night, I delivered it actually to a charity called Awesta, who support Afghan people who are resettle here, and they were all on this workshop, and we were talking about human rights law, and lots of their issues are around access to mental health care, access to adequate housing, non-discrimination, and it was an hour and a half, and I just told them three of those rights how they work, and how you ask for them, and the -- it's not a magic wand, I'm not saying that they walked in and everything was fixed them but often understanding the law is the difference when interacting with services, if you're able to say, I'm worried you're in breach of the Human Rights Act, even just that sentence, or I'm worried about my right to private life, can you show that this is lawful legitimate and least restrictive, you see change, basically.

And we were also with an older people's group in Wales challenging decisions of care homes. We were with parents of children who were in patient mental health hospitals, and speaking to them about how they can challenge decisions around seclusion, restraint, we've got three paid experts working with us, and one of them, Kirsten, her son is autistic and spent four years in mental health inpatient settings. During that time he was secluded restrained mechanically and chemically, she was restricting from seeing him, and she speaks of this time, and I was trying to get through this story without crying, because I'm pregnant and very hormonal, but Kirsten talks of this time when this was preworking in human rights, she went to the hospital to see her son on a Saturday, but what had happened on the Friday was that her son had went during the day to get a DVD to watch that night.

And he had been with the staff member, they picked a DVD and returned to the hospital.

And then there was a change of staff.

And it was agency staff that were there in the evening.

And he asked to watch his DVD and the staff member said, no, you can't watch it. He's autistic and did not understand, there's no clear communication didn't understand why he couldn't watch his DVD, and he was then distressed and kind of at that time got distressed and then the staff reacted to that distress by restraining him and then more staff came, then six staff members were restraining him, he was put into seclusion because he was displaying challenging behaviour and he needed to be in seclusion to protect him and others, and when she came to visit, she was told he was in seclusion, she talks about going home and sleeping on his bathroom floor, because she wanted to experience what he was experiencing basically. Anyway, she went back on the Monday that he had just been taken out of seclusion because they were waiting for the charge master to come in that can authorise the ending of seclusion, and they speaks about the impact that has on her son now. He is six years older and he is terrified of services, he's terrified of medical professionals because when he was in need and upset, he was secluded and restrained and she speaks about the impact on her as a parent, not being able to protect her child.

So Kirsten now works with us, and she says if she had understood the human rights act, when she went on that Saturday, she would have said, my child has a right to private life, you can't restrict my visit, and this can amount to degrading treatment, and also communication, what have you done to communicate properly with my child who's autistic, and she talks about how if she had known the law at that time, things might have been different. Kirsten is part of a community of parent advocates basically.

And we do lots of work to support making the law accessible, basically, so that you can challenge it, and interactions with services, and with community groups, we support them to create short-term and long-term human rights solutions.

So with our last round of community resources, we made [ inaudible ] with earnest, plain language guide to human rights and asylum accommodation, from that are stories that come from that opportunity so that they can use it to understand where it comes up for them. So a flowchart, if my issue is a human rights issue, what do die, it's plain language, and we came up with human rights postcards, easy rights postcards, because the human rights are not available in [ inaudible ] you don't have access to communicate the rights. So we need postcards with them.

And so we work directly with lots of people in communities to explain the law in a plain language way, and support them to advocate using the law.

And I think I'm probably over time because I can talk about this forever. So I'll give you the mic back.

EARNEST ULAYA: Thank you, let's give you a round of applause.

It's amazing how we all are connected and share the same thing, the law really. And how can we make it accessible for all people? You have all shared scenarios that show the gaps that are there in terms of the knowledge as far as legal rights are concerned. Thank you so much for that.

Before I open the floor for questions, I just have a few questions to follow up, Christian, your book, the law in 60 seconds is a prime example of how we can make the law accessible. What inspired you to take that approach? And how can legal professionals simplify context legal information to -- for comedians [ inaudible ] to better understand?

>> In terms of the inspiration for the inspiration for the law in 60 seconds, I live in Manchester now, but I used to live in London.

And the time I was living in London, stop and search -- that was a record year in terms of numbers, which was a horrific thing. Stop and search was being cited as the way in which to tackle that. And I remember Piers Morgan was always speaking about it, and people with these huge followings were talking about stop and search, but that was completely absent on the effect that that would have on overpoliced communities, and so many of you will be aware of these facts but the vast majority of stop and searches don't result in arrests at the end of it. So if the policy is, we're going to enhance stop and search will do nothing at all, and affect their trust in the police, so I was already just telling them their legal rights but I realised, actually, maybe this needs to be done at an industrial level, I can tell my friends, but what about other people that I don't know. I released a video on YouTube on stop and search and the traction really surprised me, and I started getting e-mails and messages from, like, people in addition never met me before that were way maybe 60, the O years old, different section of life, background of life, and they were telling me about their deepest darkest legal issues and problems and at first it shocked me, I thought, why are they coming to a 22-year-old stranger about their deepest darkest legal queries, and I realised, there's absolutely no resource that they can turn to get to because it's not online, they're not taught it in school, what can you do, you can go to lawyers, that's a whole other thing that I will get to, to cut a very long story short, I thought, let me just write a book. That's one way that we can try to help people, and if it can be affordable, and have the authority of being written by a lawyer, that might assist, and that was the -- that was how we got the -- I don't know if there was a second part of the question. That's why I wrote the book, was there a second part? Was it what can lawyers do?

EARNEST ULAYA: What can legal professionals do to simplify this legal information?

CHRISTIAN WEAVER: Yeah sure I think in relation to that, I have always thought the way to simplify things, it's almost not to be a lawyer, we have to accept that this profession, that some of us are in, we have actually profited so much off the fact that people don't know their legal rights. Almost the art of being the most successful lawyer and charging the most, is making the law seem super complicated so a person can never get through their legal actions, I refer to the case of [Inaudible], every lawyer profited more than the family did ‑‑ the medical team involved it was morally and ethically wrong. Yeah, I think there is a real disconnect anyway between the public and lawyers, if people want to bridge that gap and make the law accessible, the first thing is approaching people as human beings as opposed to lawyers, and the second thing, I've had to learn this myself, not trying to get approval from the legal community, to be honest you know, it was something I was doing, was short 60‑second animated videos on the law, I've never really seen that done before. Animated videos, you know, being a serious lawyer, as a lawyer you should be helping people, trying to communicate in those sorts of ways. That's my two pence on what can be done. [Applause].

ERNEST ULAYA: That's well put together. I don't know if panellists if you, if you have any sort of more suggestions than that? That's fine.

CARLYN MILLER: I try, I keep drinking sparkling water, trying to rehydrate and I don't like it!

       In terms of making the law accessible, I think accessible is dependent, what's accessible to you might not be what is accessible to another person. I think what I do love about our work at the BIHR, we work with people to understand what they do actually need in terms of understanding the law. What works really well is real life stories and rights, you need to put an example of that right in action. We tend to do that, we work with community groups, we hear their issues and then map them to human rights law and then put them in a pipeline language resource, whether that's post‑cards a guide or a website, whatever it is that they need. So I think to know what is accessible you have to work with that community and find out kind of what works for them.

TIMI OKUWA: Umm... yeah, I think one of the things that we do within the Black Equity Organisation, is that obviously we work, the number of black community members, I'm sorry I'm going to have to talk about black community members, that's my job, but the number of black communities that reach out to us that want support, legal support, in terms of, you know, I mean I had this issue at work or I had this issue in the hospital, whatever the situation might be is enormous. That does require an enormous amount of resources but we do try and support as much as we can the second thing we also do is around strategic litigation, so when we see cases that impact a disproportionate number of black communities, you mentioned a couple, there is a case with the Windrush generation, the Home Office asked Wendy Williams, well she came up with thirty recommendations about what the Home Office could do to make it a less hostile environment for the Windrush generation, in terms of their rights to remain in the UK and to have British passports and for their children to have British passports and when they applied for university that they could apply as British people and not as somewhere else.

       So, we have taken that case to court, it's going to court next week. It's going to the Royal Courts of Justice, whenever we see cases that will impact a significant number of black people we will do those things, because we do see it as our right that this is one of the things that the law can do, is to make, make those changes through judicial reviews. Thank you.

ERNEST ULAYA: Thank you so much. Is there any questions from the audience please?

>> Hi, I just wondered with the BIHR, can individuals approach you? You talked about community groups but I wonder, if an individual has a problem with a local Council, discrimination, can they approach you for some guidance and steering.

CARLYN MILLER: Yes, so, we don't do individual advice or support, as an organisation, we run lots of like open access workshops for people. They tend to be issue‑specific so it might be like an open access workshop on disability rights or own access workshop on housing rights or whatever it might be, for people to come along to. We don't do litigation or give legal advice to individuals, we would signpost to another organisation that does that.

       That's one of the limitations of what we do, but I guess there are other organisations that do focus on that.

ERNEST ULAYA: Any other questions. All right.

>> When we think about making the law more accessible, I guess we're talking about making it easier for people to understand their rights in the work that I do, I work primarily with asylum seekers and we have a real issue with literal access to the law, because of legal aid crisis and you have got people going through extremely complex legal processes, appeals, judicial reviews, things like that, some of whom are being denied access to their rights simply because they can't get access to a lawyer. So what are your thoughts on the legal aid crisis and where we go from where we are now to ensure that people can fully access their rights?

CHRISTIAN WEAVER: I think that's an incredibly important point. Yeah, it's interesting, you talk about access to the law, if a person can actually a toward access the court it's a massive issue, I'm going to go back to the (case name) almost the flaws in the system that we have, other countries think we get it so right it's the flaws that we have. In that case, obviously he died in a house, but the housing association they were lawyered up, not like Legal Aid style where we have two lawyers, eight lawyers on their team, then the Northern Care Alliance, that conveyed him to the hospital, they were lawyered up, tax payers money pays for that. The housing, once, it's taxpayers money again, I'm fairly sure even if it's a private agency they are paying for the lawyers, they can pay what they need to pay, reputational management, the family didn't have legal aid, they weren't from this country, they didn't speak English, it was his mum and dad and they had to go against the combined effort of sixteen lawyers, to find how [Inaudible] when you see how that plays out, I took on that case *pro bono*, I didn't expect to get paid, partly because of the politics of it, I still haven't been, it's valid point, the point being that family shouldn't have had legal representation because there was no payment for a lawyer there, there were consequences from that case because they were lawyered up, while the family were actually in that house, obviously they were living in horrific conditions that's weren't fit for human habitation, because there is no legal aid so they can properly challenge this things and landlords know that, tenants can complain all they like and the landlord will think you can't even take it to court if you want to. There is a real issue there, if they want to create a society where people's complaints are actually send to, there has to be the ability for them to take the organisations to court, otherwise you will always have a society where by the poorest though can't afford things will be walked over by society, that's a really interesting point, that's my two pence there.

>> Thank you very much. Two ideas, excuse me, two ideas that just popped into my head which I would be really interested to get your thoughts on our, is there anything that can be done ‑‑ do you think there would be any benefit in demanding any reforms to the law curriculum that we teach in this country so that it's 1 out of 6 core modules that you have to study to become a barrister or solicitor, it covers how to make the law accessible and the inequity and inequality in the system.

       Similarly could there be any benefit, would it even be feasible to change our ethical stands and codes of practices for solicitors and barristers so we recognise as a profession, these inequalities and even not to ‑‑ yeah, just two thoughts to, I don't know if that's useful at all, thanks.

CARLYN MILLER: I'll let maybe the lawyers in the room talk about the legal curriculum, I'm not a lawyer, but I think the point you make is a good one, but I think it also expands further than those who are studying law. Actually if you are going to any public service and you are studying social care or you are studying, you know, to be a mental health nurse or a teacher whatever it is, you need to learn about the Human Rights Act, soon as you qualify, actually not even when you qualify, if you are student on placement you have duty under the human rights right to uphold rights in your practice. I think that human rights education, as you say, needs to be, it needs to be expanded to cover duty bearers and rights holders, so if we ‑‑ some schools, there are rights respect ding schools, well anywhere there is in Scotland, we all need to be more educated on our rights, I think perhaps that people who are lawyers, yes, I don't, it seems like you can, I don't know if you studied law, but I just think it's much broader than that, I don't think the understand is always going to lawyer and litigation, I think It's ‑‑ then the question there about legal aid as well, the reason I didn't go into that is because I feel like once you are there, it's so important, injustice is so important, strategic litigation is so important, that something has already gone wrong, and actually if you have where people knew their rights and officials upheld them and policy holders, people in the Civil Service, writing law and policy, if that was written in a human rights compatible way, that would change things before we got to a point where things go wrong,.

CHRISTIAN WEAVER: For my part I completely agree with that, I never thought about that from that angle, I think there is an argument for better legal education in schools, the point you made, you can go to the doctor and say this breach x, y, z, if the doctor says no, you face that again. In our justice system there is this principle that ignorance of the law isn't an excuse, if you are going to create a society where it's a principle and I think it's a fair principle, there is an obligation on the State to teach some people their rights, and it serves as a deterrent effect as well, if a person is fully aware of the consequences of their actions, it gives them agency to make a choice about what they want to do, but makes it a deterrent for a safer society overall.

       In relation to the ethics point, I never thought about that, there is probably something in that as well, it can't be the case that we all know as lawyers that this is an issue, and there is no obligation on us to even be cognisant of it, I don't know how it could look, but in principle I think it's a very good idea.

TIMI OKUWA: The only point I would make, is about the ethical point, with doctors they have that ethical consideration that they must always do the right thing, counsellors and therapists, you know, cause no harm, and lawyers have to as well. When you are speaking to a lawyer you are going to somebody with a huge level of, assumption that they are there to fight for you and fight for your right to succeed. So, there is a right, as we have all talked about, that we should know our rights. I'm very big on that point, that I think as much as possible trying to make the law more relatable and just normal language that you don't have to have a PhD to understand, you know, the Equality Act is important, but I also think that, you know, organisations like ours and lawyers and other people need to have, we all have a duty of care, if not necessarily statutory, we have a duty of care to make sure that people understand their rights. That you know you are not going into a situation where they are going to go and give birth for instance, that you know that, I know what my rights are, or whatever the, you know, if you got stopped and searched. When I was in court a lot, I used to see so many young, black kids with cases of knife crime and, you know, it's, it's I think it's umm... it's a prison sentence, yeah, is it the first one or the second one.

CHRISTIAN WEAVER: I know at one point...

TIMI OKUWA: Yeah, I think it's probably the second one, equally it's making sure that people, when people are in court that they know their rights, that they know the sentencing guidelines, they know that they are not being disproportionate listened because of any protected characteristics in which they appear in court. Thank you.

EARNEST ULAYA: Thank you for your contributions. I like a quote from the BIHR. It says, "If someone doesn't know their human rights, there's no way they can claim them." And that's pretty much evident with the work that we have recently been doing with human rights. I mean, British Institute of Human Rights. I cochampion a care at our work on know your Rights. We found out that there was a huge gap in our guide and in terms of human rights, especially on asylum seekers in hotel accommodations. That's where we, with the help of British Institute of Human Rights, we came up with a comprehensive resource that is specifically targeting asylum seekers in hotel accommodations just to -- the end goal is to equip them to become auditors as well where to find help, because we saw there were a lot of raging issues, from privacy, the use of body cams, treating people differently, so how can we really stand out for themselves, just to try to advocate for themselves, and that's the work that we have been doing with the British Institute of Human Rights. Is there anything else with a question in the audience? No. All right. So panel, what's the last thing that you would like to say before we close for the people to take away as far as addressing the gaps in making the law accessible.

CHRISTIAN WEAVER: I think my take away would be, I'm trying to buy some time on this one, I think fundamentally, if we try to approach this problem as lawyers, I think already, we're coming from a framework that's perpetuated this problem, and there's a real in connecting to these communities that we are talking about, and seeking to think of the most none legal ways that we can to approach these issues. So speaking from personal experience, I've found that animated videos from an effective way to communicate with people who might not have English as their first language. I know we're busy, but we can go to schools and humanise what a lawyer looks like. That's a powerful thing. We made the point about the court system being inaccessible due to legal aid. That's definitely a point.

I think when a person goes into the court system, when they actually see their lawyers, they're not so intimidated by them, because they know a lawyer that's really polite and helps them out with little things, so those would be my take aways.

>> I agree with you, I've got a 21-year-old phone constantly on his phone and TikTok and all the other things that you guys look at, let's use those platforms to make, you know, knowing your rights more accessible and more relatable, and there are all sorts of, as you said, animation things but also using social influences, there's a reason campaign with Idris Elba on knife crime. It's amazing how young people in particular will look at those types of personalities and share certain amounts of information and people will really absorb them and engage them. Less so than when you get some stuffy lawyer, I'm not saying that lawyers are stuffy, talking about a case.

So as much as possible, we've got to look at what this generation needs and less about, this is how it should be and, therefore, how we want to present it. We've got to come down from the ivory tower and share it in a way that people can absorb it.

CARLYN MILLER: I didn't think of my own words but I thought someone else's, there's a quote from Eleanor Roosevelt, we won't go into what people think of her, there's a quote where the universal human rights begin, small places close to home, so small that they can't be seen on the maps of the world, but -- such are the places where human rights. That's the reminder to everyone today, human rights, every single day, you're interacting with your human rights, all of us are, or you're supporting or interacting with people who have these rights, and they're coming up. If you're interacting with any public service, or a service delivering a public function, because the definition is broader, then knowing your rights and being able to claim them is super important.

The take away is, let's not see human rights as something that happens in this place for this group but actually something that is apparent for all of us every single day, and we could do more to learn about them, and talk about them, and say that's a human rights issue. We don't do that, and actually that's a small change that could make a big difference.

EARNEST ULAYA: All right, round of applause to the panels.

Thank you for being a wonderful audience.

>> Thank you again, earnest, this was really earnest's idea to do a panel on public legal education, and I would like earnest and all the activists to help run today's event.

And YouTube shorts, that's what my son watches. If you transfer the videos to YouTube shorts, you'll have millions of subscribers. There's drinks -- first of all, there's feedback forms, so if you could do the boring thing of filling out the feedback form. There's a box and foyer, if you put it in the box and look around, there's a bar full of people waiting for us. So if you want to see us for a drink afterwards, you're more than welcome, and otherwise, I want to thank everyone for amazing contributions today. I don't think I've been at a PLP event with so many people talking it each other and connecting, so give yourselves a round of applause.

It's been -- thank you very much.

Enjoy a drink, there's lots of non-alcohol drinks as well.

Sorry, one second, I want one more little round of applause, there's somebody at the back of the room who's on her computer there called Nicole, she's been at PLP for three weeks, and she basically ran this conference. So give Nicole a round of applause.

And thanks to everyone else at PLP, especially Alice and everyone else who's been helping out. Thank you all.

Bye.