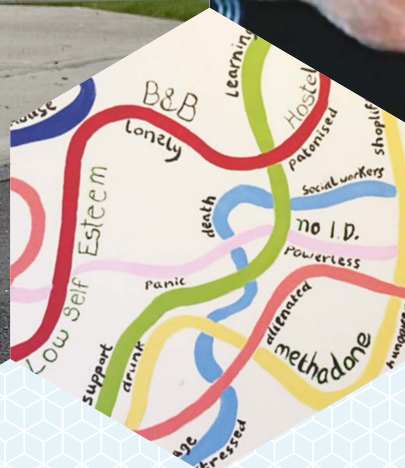




PLP RESEARCH PAPER

Supporting systems changers through the use of collaborative legal approaches

Dr Jacqui Kinghan and Professor Lisa Vanhala
January 2020



Public Law Project

The Public Law Project (PLP) is an independent national legal charity. Our mission is to improve public decision-making and facilitate access to justice. We work through a combination of research and policy work; training, conferences, and second-tier support; and legal casework including public interest litigation. Our strategic objectives are to:

- promote and safeguard the Rule of Law;
- ensure fair systems for public decision making; and
- improve access to justice.

www.publiclawproject.org.uk

Lankelly Chase

Vision, mission and values

Lankelly Chase has a vision, shared by many, of a society where everyone has the opportunity to live a rewarding life. We believe that we've all got a shared humanity and given the right conditions, everyone can thrive.

As an independent foundation we're working in partnership with people, across the UK, to change the systems that perpetuate severe and multiple disadvantage. Our mission is to get to a place where people want to, know how to and are free to create systems that are effective in responding to the interlocking nature of severe disadvantages such as homelessness, drug misuse, violence and abuse and mental ill health.

www.lankellychase.org.uk

Cover Images

Top: © Mary Turner

Middle: © APPEAL - Centre for Criminal Appeals

Bottom: © Anawim Women's Centre

Contents

Introduction	4
Context	5
Partnership context	5
Political and legal context	5
Research questions and methodology	6
Use of strategic legal action	6
Impact of strategic legal work	6
Other considerations	7
Case study selection	8
Case studies	9
Legal approaches	15
Lessons on collaboration	19
References	21

Introduction

This report identifies key lessons from the first two years of a strategic partnership between the Public Law Project (PLP) and the Lankelly Chase Foundation. Established in 2017, the aim of the partnership is to bring PLP's legal expertise to bear in support of the systems-change strategies of a group of Lankelly Chase's partner organisations. Lankelly Chase supports frontline civil society organisations that address how disadvantage clusters and accumulates and work on issues such as homelessness, substance misuse, mental health issues, violence, abuse and chronic poverty. The new partnership focuses on how small NGOs understand and use public law and how an organisation with legal expertise can work with these groups and funders to successfully improve the unfair systems that produce and perpetuate disadvantage. At the heart of the partnership lies an emphasis on:

- 1) **CHANGING UNFAIR SYSTEMS:** to better understand the role to be played by legal advice and assistance in achieving systemic change. We want to ensure that energy and focus is targeted in the right place to achieve change and otherwise to establish the building blocks for necessary policy and legislative reform.
- 2) **COLLABORATION:** to ensure that the use of legal approaches serves an empowering function and changes the systems that disadvantage people in the first place.
- 3) **LEARNING:** the ambition is to together learn more about when and how to deploy legal approaches to support systemic change. This entails systematic analysis of the use and impact of the knowledge and deployment of public law principles and litigation.

As learning partners to the project we have had the privilege of promoting reflective learning with organisations along the way and supporting the partnership to reflect on and evaluate the work they have undertaken in a dynamic way over the course of activities rather than in a static way at the end of a project. This has involved an ongoing action learning process of "collecting and reflecting." The partnership has been supported by an expert advisory panel (see appendix 1 for a list of members). Our objective has been to develop a better understanding of whether and how public law can help effect systemic change.

In this report, we first outline the context of the strategic partnership highlighting both the necessity for the partnership and its innovative approach. We then present the research questions that were co-developed with PLP and Lankelly Chase at the outset of the alliance. The report then presents three in-depth case studies of the collaborative work that PLP has undertaken with the NGOs Appeal (formerly the Centre for Criminal Appeals), Friends, Families and Travellers (FFT) and Anawim. While PLP has worked with a broader set of organisations, these three case studies capture a wide range of different legal approaches and provide us with insight into how public law expertise is (and isn't) used and the impact it can have when it is deployed. The final sections draw together the key lessons we have learned to-date and new lines of enquiry that have been identified.

This report will be of interest to those working in and with NGOs that seek to address severe and multiple disadvantage and who may be interested in collaborating with expert legal organisations like PLP to enhance the impact of their work.

Context

Partnership context

Public law governs the relationships between individuals and the state. Deploying public law approaches can be an effective tool for redressing the imbalances between a powerful state and individuals and/or communities. There are a range of different legal tools and strategies that can be deployed – from court-based approaches such as judicial review, which offers a mechanism by which litigants can hold the state to account, to other legal approaches such as raising awareness of rights and entitlements or engaging in legal correspondence (i.e. sending a pre-action protocol letter highlighting a public body's failure to effectively implement or enforce the law). Law can – under the right circumstances – be a powerful driver of social change.

However, change can only be achieved within the framework of the existing law as made by Parliament and interpreted and applied by the Courts (though it can result in changes to this framework). Also, existing research highlights the enormous problems individuals face when they try to access justice. Furthermore, cases may be 'won' in court but result in little change on the ground because of failures to effectively implement court decisions or legislative responses. Equally, cases can be 'lost' or withdrawn but still ultimately result in meaningful change. There is also a risk that legal action may result in a symptomatic 'fix' or that unintended systemic consequences result. For example, individuals who challenge unlawful decision-making by public authorities may receive improved outcomes, but the system continues to fail significant numbers of those who cannot or do not raise challenges. Or the particular part of a system that comes under legal scrutiny may be improved, but the root cause of the problem may lie elsewhere in the system and manifests differently after legally induced changes are implemented. This latter problem is exacerbated in the current climate of the legacy of austerity and the political and economic uncertainty associated with the UK's withdrawal from the European Union. Health and social care providers may not, in fact, be sufficiently resourced to meet all their statutory obligations.

Political and legal context

The partnership has been operating at a critical point in time when austerity policies have exacerbated the problems within systems that were already unfair and when access to justice has been curtailed because of cuts to legal aid.

- **CIVIL JUSTICE:** The access to justice landscape has been adversely impacted by cuts to legal aid funding implemented by LASPO 2012 and those experiencing discrimination and disadvantage face multiple barriers to access to justice.¹ Wider issues such as legal aid advice deserts and the uncertainty of digital court reform pose further challenges within the civil justice system.
- **CRIMINAL JUSTICE:** The criminal justice system is said to be 'close to breaking point' after years of delays, inefficiencies and budget cuts.² The Criminal Cases Review Commission has been struggling to cope with an increased workload due to low resource levels. Research has shown that court closures are aggravating the problems that already exist including low morale of criminal defence professionals, poor courtroom accessibility and disengagement from the judicial system.³
- **AUSTERITY POLITICS:** Cuts to local authority budgets have had a profound effect on the services people receive.⁴ A fifth of the population now live in poverty and frontline organisations are under increasing pressure.⁵ The experience of austerity has been most significant on those experiencing discrimination and disadvantage. The UN's special rapporteur on extreme poverty and human rights notes that austerity has inflicted 'great misery' and highlights the related rise in rates of child poverty.⁶
- **BREXIT:** Uncertainty around citizenship as well as the risk of retrogressing human rights and equality protections pose considerable challenges. The rights of disadvantaged individuals and communities will be most adversely impacted by Brexit.⁷ Moreover, recent research finds that the effective delivery of vital public services such as health and social care is likely to decline.⁸ PLP's work on Brexit is intended to ensure that Parliament is appropriately sovereign, the executive held to account, and the interests of disadvantaged groups properly and effectively represented. The overall aim is to ensure procedural fairness to those likely to be most affected by the Brexit process.

Research questions and methodology

The overarching question driving the learning within this partnership project is: How best can legal advice and assistance be deployed to achieve or facilitate systemic (rather than symptomatic) change in relation to people facing severe and multiple disadvantage?

We broke this down into the following underpinning questions:

- When and how is the use of strategic legal action effective as a tool for systemic change?
- Has the use of legal tools shaped the ability of Lankelly Chase partner organisations and their clients and service users to effect systems change and to mitigate severe and multiple disadvantage?

In the literature review on the use and impact of litigation we published at the outset of this project we found that while there is a consensus on what conditions need to be in place for an NGO to even begin to consider deploying legal approaches, there was much less evidence and agreement about what factors are most likely to result in success when different legal approaches are used. We also observed that much of the literature relates to experience outside of the UK. Here, we briefly summarise some of the key lessons from that review that we drew on when undertaking the research.

Use of strategic legal action

The literature suggests the following propositions in terms of the types of NGOs that use the law.

- Organisations with a **higher degree of legal/rights consciousness** are more likely to use legal tactics.⁹
- Organisations that are able to **articulate their claims in terms of existing “legal stock”** – i.e. within the legal framework – are more likely to use the law strategically.¹⁰
- Organisations with **financial resources** are more likely to turn to litigation than organisations that are struggling financially.¹¹
- Organisations working in a context where there is **access to justice, liberal standing rules and non-onerous cost rules** in place are more likely to deploy legal approaches.¹²
- Organisations that have **close relationships with legal professionals** (either in-house legal counsel or an institutionalised relationship with external lawyers) are more likely to include legal approaches

within their tactical repertoire.¹³

- Organisations where there is a strong organisational identity or ideological stance that correlates with **viewing members or service users as rights-holders** are more likely to use the law.¹⁴
- In policy areas where there is a strong implicit or explicit **division of labour among organisations** about use of the law, organisations will be less likely to use the law if they are not already doing so.¹⁵

Impact of strategic legal work

There is very little consensus as to what ‘impact’ means in terms of litigation or the use of other legal tools, how to measure impact and what factors are most likely to result in ‘success.’ There are even questions as to whether exploring these issues on a general level is worthwhile. For example, Jennifer Gordon suggests that the use of strategic legal action “can neither be condemned nor endorsed in the abstract and the forms of its deployment, its usefulness, and its pitfalls must always be worked out in relation to a particular organization or movement set in a particular context.”¹⁶ Other research starts from the premise that mobilising the law has limits but goes on to question how it can best advance social justice.¹⁷ The key claims of this body of work are:

- Strategic use of law can stimulate meaningful change and complement other strategies but must be considered within its socio-political context.
- Whether the strategic use of law “works” or not must be judged in relation to available alternatives.
- In order to evaluate the social change potential of strategic legal interventions in a given circumstance, it is necessary to examine the conditions – political, economic, cultural, and organisational – within which the activity is conducted.

We relied on the literature, our broader understanding of the current landscape and collective insight gathered through the learning partnership (including engagement with the advisory committee) to develop some theoretical guidelines that directed us in where and how we looked for “impact” but we also scanned the horizon to ensure that we were able to identify any other possible consequences (whether intended or not) of the use of law. We considered a range of possible spheres of activity:

- **IMPACT ON LAW AND POLICY:** Changes in law and policy or interpretation in law are among the most common goals of reform-minded strategic legal action efforts and also among the easiest to identify. However, we also consider the enforcement of existing law or the use of legal tactics to ensure effective implementation as constituting a “legal impact” as well because this ensures that the law is meaningful.
- **IMPACT ON LEGAL AND POLITICAL INSTITUTIONS:** Changes in legal and political systems, e.g. enhancing access to justice or shaping institutional structures so that those that were previously excluded receive an entitlement, may also be relatively straightforward to identify but might require taking a longer-time horizon.
- **IMPACT ON FRONT-LINE SERVICES AND BUREAUCRATIC PRACTICES:** The literature on “street-level bureaucrats” (e.g. local authority decision makers) suggests that the extent of street-level bureaucrats’ legal knowledge, legal competence, and legal conscientiousness will influence whether law is put into practice. Street-level bureaucrats’ varying abilities to understand and work with legal materials and their varying attitudes and stances toward the importance of lawfulness is part of the broader context that affects the nature of law-in-action.
- **IMPACT ON ORGANISATIONS, MOVEMENTS, COMMUNITIES:** The literature on the impact on organisations and movements has found both positive and negative impacts on organisations and the broader movements or sector within which they are situated. For example, some argue that the over-reliance on courts diverts effort from potentially more productive political strategies and can disempower the groups that lawyers are seeking to assist and that legal strategies can dissipate activism. Other research has found that using the law strategically can build and enhance the legitimacy of movements and organisations.
- **IMPACT ON INDIVIDUALS:** The recent literature points to the importance of understanding the lived experience of disadvantage and the inclusion of those with lived experience in efforts to use the law. Participation in the effort can be an empowering, identity-building experience but it can also impose heavy financial, emotional and reputational costs on claimants, activists and others involved in the process.

- **IMPACT ON MEDIA AND PUBLIC DISCOURSE AROUND AN ISSUE:** The literature review argues that a case that receives widespread attention (whether successful in court or not) can: raise public consciousness; put an issue on the political agenda; stimulate political activity by revealing the vulnerability of systems that once seemed unchangeable; and enhance the risk of legal action if decision makers fail to find political solutions. However, the growing literature on the backlash to “human rights talk” and to the judiciary and use of the law also suggest that litigation can spark hostility in both the media and in the public more generally.

Other considerations

More generally, we also considered a range of issues when thinking about how to assess whether and how the deployment of public law facilitates or drives systems change. These include:

- A need to **cast the net wide** to look for evidence of impact. This could range from the legal judgment to general principles in the judgment and from policy change to a transformation of experience on the ground for a broader group of impacted individuals.
- Consider aspects of both **process and outcome**. The very deployment of law can have an impact on those with lived experience of a problem or who are stuck in an unfair system. We look for evidence from the very beginning of the process and follow it through to the “legacy stage” of the use of strategic legal interventions.
- Look for **all forms of impact**. The outcome of using law can be positive, negative or there can be no impact.
- **Positive change and preventing regression** should both be understood as constituting impact.
- There can be **multiple possible pathways** to the same outcome and change is driven by multiple factors.
- **Timeframe** for assessing impact. Need long enough for impacts to manifest but passage of time also undermines ability to make clear causal claims.

- **Broader context:** It is important to consider the conditions (political, economic, social etc.) that might hinder or facilitate the use of strategic legal intervention as well as the impact that the use of legal powers might have. These include opportunities and threats in the socio-political environment and a consideration of the constellation of other actors working in a particular space or on a particular topic.

Case study selection

As part of our case selection we wanted to select case studies that would facilitate collective learning. We considered the following analytic dimensions:

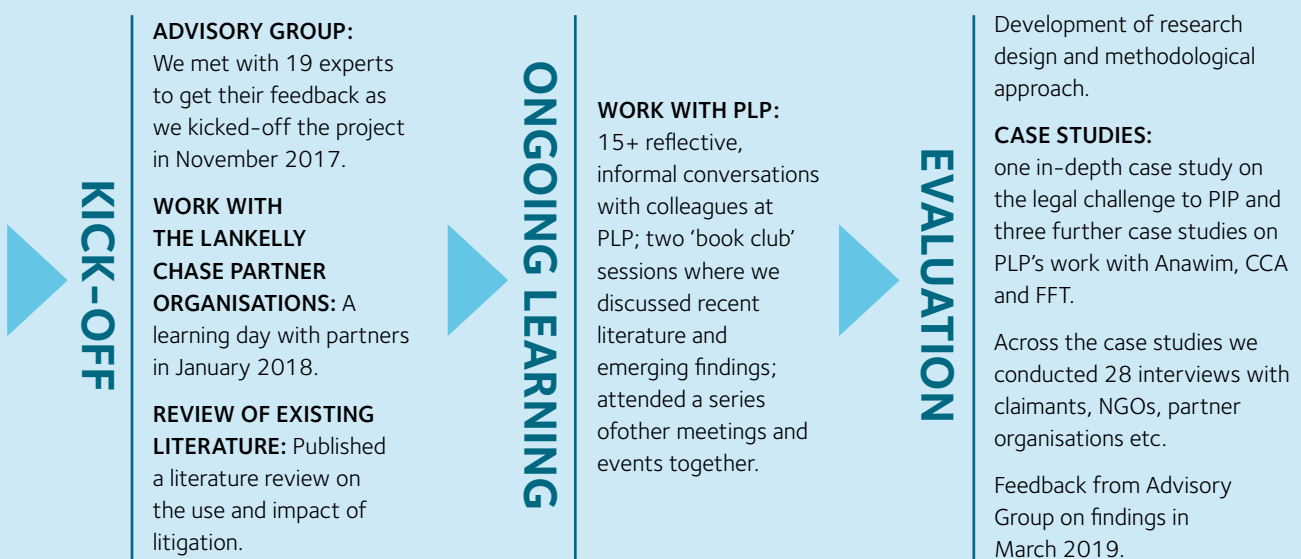
- The type of disadvantage that was being addressed
- The variety of legal approaches; e.g. judicial review, engagement with parliamentary process, building legal capacity through training or collaboration
- The target of the legal activity: e.g. a) early stage government or local authority decision making, early stage law making, a fully developed but new policy guidance or law, b) on behalf of individual, organisation, group, wider society, c) nature and level of the decision maker e.g. central vs local government, differences among government departments
- The nature of the outcome: e.g. legal ‘victory’ or ‘failure’, qualifications on positive or negative outcomes, backlash or counteraction by public law decision maker.

The collaborative work PLP undertook with three partner organisations covered a range of different legal approaches, types of disadvantage and nature of the systemic unfairness. Here, we develop three case studies of this work by drawing on interviews with those involved with the project. Figure 1 outlines the approach of the learning partnership.

These case studies complement an in-depth case study of the legal challenge to discrimination in the Personal Independence Payments system that was co-published by the Baring Foundation and the Lankelly Chase Foundation in 2019 on an important case addressing discrimination against those living with mental health issues.

Finally, it is worth pointing out one clear limitation of this research: we address legal work undertaken over eighteen months however, it can take many years for legislation to be adopted and implemented or for cases to progress through the justice system or for impact (intended or otherwise) to manifest. The aim of this research is to start a process of meaningful exploration and a structured format for the continuation of learning as the strategic partnership continues to develop.

Fig. 1: Approach of the learning partnership



Case studies

We selected three organisations that PLP has worked with over the last 18 months to understand the different types of legal approaches that have been deployed and early indications of impact that may be emerging.

Friends, Families and Travellers

Gypsy, Traveller and Roma people are among the most disadvantaged people in the UK: they consistently experience poor outcomes in key areas such as health and education and have the lowest rate of economic activity of any ethnic group. A large majority of Gypsy, Traveller and Roma people have experienced discrimination and hate speech or a hate crime. A 2009 Equality and Human Rights Commission report found that while racism towards most ethnic minority groups is hidden and widely seen as unacceptable racism towards Gypsies and Travellers is “still common, frequently overt and seen as justified.” While many Gypsy, Roma and Traveller groups have been legally protected from discrimination since the Race Discrimination Act 1976 (confirmed in case law over numerous years) these protections have often not been effectively implemented and enforced and the needs of Gypsy, Roma and Traveller people have often been overlooked in policy-making.

Friends, Families and Travellers (FFT) is a national charity that works on behalf of all Gypsies and Travellers regardless of ethnicity, culture or background. The organisation has been involved with the Lankley Chase Systems Changers programme and was put in touch with PLP. Over the last 18 months, the two organisations have collaborated on a number of different streams of work and deployed a wide array of legal approaches and public law perspectives on issues faced by the Gypsy, Roma and Traveller communities.

An important stream of work has been related to the impact of Brexit on Roma communities living in the UK. As the EU settled status scheme was being developed it became apparent that there would be potentially negative implications for Roma community members. In such a fast-moving area of policy development PLP’s close analysis and expertise proved helpful to FFT.

One interviewee noted:

PLP would really keep abreast of the latest announcements and we’d ping stuff across to each other, just so that we were aware of these ongoing and evolving discussions and announcements around it. I definitely relied on them to be sharing that information with me ... You can’t fit it all into your day job.

In July 2018, PLP produced a briefing note for FFT (and other groups working with Gypsy, Roma and Traveller communities) on the Home Office’s Statement of Intent on the EU Settlement Scheme. The briefing note offers a succinct analysis of the 60-page Statement of Intent and the specific implications for FFT and the organisation’s service users. It also includes a range of recommendations on, for example, how organisations can respond and be involved in the development of the scheme; the level of fees to be paid; the position on Irish citizens; the implications for those who are digitally excluded or may not have ID cards or passports and a suggestion to offer specialist training to the Home Office. One interviewee noted that “marrying our experience with PLP’s assessment of the Settled Status scheme” allowed the organisation, in collaboration with the Roma Support Group, to brief members of the All Party Parliamentary Group for Gypsies, Travellers and Roma on the issues at a well – attended event in July 2018. The APPG members laid out that they would meet with the Home Office to make a number of recommendations. Baroness Janet Whitaker, the Co-Chair of the APPG, in her thanks at the end of the event noted “I would also particularly like to thank the Public Law Project because their paper will guide us to form the recommendations that we will make in our report.” (APPG Gypsies, Travellers, Roma and Migration 2018).¹⁸ One interviewee from FFT commented:

It’s about being informed. Because we can’t always assume that parliamentarians know about all the issues. Information is power, isn’t it? So it was really important to be able to provide that information for them in a really clear way.

This work was followed by a series of letters to the Immigration Minister and parliamentary questions to raise awareness of the issue more broadly among MPs and the public. An interviewee from FFT noted that:

It was about trying to change and influence things before they were actually embedded ... It actually made a difference, because if there hadn't been the input, then it could've gone straight ahead with the unintended consequences afterwards. So actually working prior to it becoming a legal instrument was really important.

The work that FFT and PLP have done on Brexit has shaped the view of key MPs on the APPG and raised awareness among NGOs that work with Gypsy, Roma and Traveller communities of the potential negative implications of Brexit for their communities. This policy engagement also helped to inform the litigation strategies of other organisations such as the Joint Council for the Welfare of Immigrants (JCWI).

A second area of collaboration between FFT and PLP involves challenging inequalities in the Universal Credit system. Universal Credit, a new online benefits system which merges six benefit schemes was rolled out nationally in 2018. FFT had identified that Gypsies and Travellers were likely to be disproportionately disadvantaged by the online Universal Credit System due to low literacy rates and limited internet access/skills among these ethnic groups. FFT found that while the Department of Work and Pensions (DWP) had established 'alternative access routes' – i.e. via telephone – these were not being granted to those with low or no literacy. The risk of this is that Gypsy and Traveller claimants who cannot access the online benefits system will be excluded, pushing them even deeper into poverty. With this in mind, FFT decided they wanted to produce a guidance note for their caseworkers on the risks of exclusion from the Universal Credit scheme or the potential for sanctions against those with no or low literacy. The idea was that this knowledge could also be shared with other advisors through FFT's Advice for Advisors portal. PLP reviewed the guidance note and gave some advice on how to make information about the alternative avenues to access the benefit more explicit and to make the issue of sanctions clearer. Interviewees from FFT noted that because the information then ripples out to other organisations it has the potential to have a wide impact.

A third issue where PLP's public law expertise has been deployed concerns the escalating use of what are known as "wide injunction powers." Over the past two years, 34 councils – including 14 in London – have taken out borough-wide injunction orders (usually against "persons unknown") which threaten all Gypsies and Travellers with fines and imprisonment if they camp on open land. Gypsy, Roma, Traveller groups have argued that these injunctions effectively criminalise the way of life of a whole group of people recognised as ethnic minorities under the Equality Act 2010. It is often very challenging to find an individual who is willing to challenge the use of these injunctions given there is so much to lose. Naturally, many of those who are afraid of losing their homes simply leave the area so the window of opportunity to challenge the injunction disappears.

There have been some legal interventions challenging the injunctions, for example, the group London Gypsies and Travellers intervened in an application by Bromley Council for an injunction to highlight the disproportionate impact on the Gypsy, Roma and Traveller communities. They were supported by the Community Law Partnership and Pro Bono Barristers from Garden Court Chambers. The Court of Appeal recently ruled against Bromley Council in their appeal against the High Court decision, holding that "borough wide injunctions are inherently problematic" and stressing that they are potentially in breach of the Convention on Human Rights as well as the Equality Act. Importantly, the court issued guidance to local authorities who might be considering making wide injunctions, including showing evidence of other housing or transit sites available and engaging properly with the Gypsy and Traveller community. With each of these developments it is too early to be able to specifically attribute any changes in practices, but the seeds for potential systemic change in this regard are being planted.

Overall, the work undertaken by FFT and PLP highlights the challenges of taking formal legal action in this area. One interviewee noted "there has been a whole stream of negative policies affecting Gypsy, Roma, Traveller communities. The trouble is the absence of a client wanting to take it forward or being able to take it forward." This draws attention to a profound access to justice problem: those who are most disadvantaged in society are also among those most disadvantaged in the legal system and find it difficult to turn to the courts to remedy injustice.

However, FFT and PLP's collaboration has shown how the use of other legal approaches can be deployed to begin to address unfair systems. For example, this has involved providing public law expertise on specific issues to legislators which can shape what powerholders are willing and able to do on a community's behalf. It has also shown that this public legal information can ripple across organisations and reach service users if put in the right hands. Finally, PLP's knowledge of other possible institutions, such as the EHRC, that might be mobilised to challenge systemic injustices, such as the use of wide injunctions, shows the rich potential in building legal networks.

Appeal

The criminal justice system has been struggling to cope with unprecedented pressure in recent years as a result of resource constraints and inefficiencies. The impact of austerity policies and the landscape for criminalisation of poverty and disadvantage, for example homelessness or a failure to pay council tax, has caused widespread concern among organisations working in the field. In addition to these problems lies the further disadvantage experienced by those in custody who have mental and / or physical health needs. Appeal (formerly known as the Centre for Criminal Appeals) is a legal charity that fights miscarriages of justice and campaigns for criminal justice reform. Appeal have traditionally engaged in appellate proceedings in the criminal courts, however, as an organisation they recently identified a clear need to build capacity to pursue judicial review proceedings in order to challenge unlawful and unfair decision making in the criminal justice system. Funded by Lankelly Chase, Appeal were connected to PLP through the strategic partnership.

PLP began working closely with Appeal through one-to-one meetings to scope ways to support them in their casework. Together they identified a number of systems change objectives that could benefit from public law expertise. They found several areas of criminal justice that raised equality and discrimination points. Firstly, challenging the criminalisation of poverty and gender discrimination Firstly, investigating the criminalisation of poverty and gender discrimination (e.g. prosecution for non-payment for TV licenses and imprisonment for non-payment of council tax) and, secondly, the disproportionate impact of indeterminate prison sentences on women.

Thirdly, PLP provided expert legal advice and support to Appeal in a judicial review challenge against a CCRC decision in relation to a learning-disabled litigant in person. PLP's expertise helped to identify the legal "hooks" for public law challenges as well as sharing insights into procedural issues. Fourthly, they gave day to day support and guidance more generally on undertaking judicial review challenges.

As a legal organisation Appeal can be distinguished from some of the others in the partnership. However, their lawyers had criminal rather than public law expertise. As such, the collaboration allowed both Appeal and PLP to draw upon their different areas of expertise in resolving client's issues, as well as providing a more holistic perspective on systems challenges. In respect of challenging the criminalisation of poverty, the issues faced by clients were acute and widespread given the potential impact of imprisonment, especially on single parent families.

An Appeal staff member describes one case referred to them where "a vulnerable woman was almost suicidal because she was at risk of being imprisoned for not paying council tax." With expertise in administrative law PLP were able to help mitigate adverse impacts by meeting with the client and determining the facts and issues in the case including "figuring out what she owed and what stage she was at with the council." She describes how both organisations then collaborated "to find out what the test case could be...in terms of lining up a systems challenge it was about working out together exactly what it would look like."

A related systemic challenge and campaign by Appeal in a Welsh case had drawn considerable attention to the issue and led to the Welsh government abolishing imprisonment for non-payment of council tax from April 2019. England remains the only part of the UK where imprisonment is lawful, and Appeal continue to campaign on the issue. As the staff member comments, PLP helped identify where the law was "taking a wrong turn" both in the failure to pay council tax and the related problem of prosecutions for individuals (disproportionately women) who fail to pay TV licences. Here again a diversity of expertise has been crucial because, as she comments, "it's helpful to have an outside perspective – it helps us to stop running down the rabbit hole on an issue that might not go anywhere." PLP engaged directly with the BBC to raise the issue of discrimination and to make them aware of growing evidence showing the adverse impact on women. The work is ongoing and

demonstrates the considerable time it can take to investigate and build a system challenge in terms of both evidence gathering and continuing engagement.

Working with PLP has generally brought home to Appeal the value of judicial review in challenging systemic injustice. This has especially been the case with respect to challenging CCRC decisions. In 2018, PLP provided advice in relation to an important judicial review challenge of a CCRC decision to uphold the conviction of a man with complex needs who had acted as a litigant in person in his own criminal trial. As one Appeal lawyer comments, “what do you do when a system doesn’t work? You judicially review it and challenge it and try to get it to see why it doesn’t work.” She describes how PLP played an important role in developing their capacity noting, “there are lots of ways that public law can help you examine a criminal case that aren’t necessarily obvious.”

PLP’s guidance was described as “absolutely invaluable” in understanding the different parts of the process: “especially where the pinch points are, where the heavy lifting is as well as the mechanics of how to do it and the different roles people play.” For example, in reviewing the general guidance for litigants in person in criminal proceedings they became aware of a number of potential breaches of Article 6 ECHR. Having support and advice as and when it was needed during what was an unfamiliar and often daunting process was significant. As an Appeal lawyer describes:

PLP didn’t just do the litigation – they took us down the road with them...going on a journey with them helped us to do it ourselves.

As a result of the initial legal advice and day to day support provided, Appeal have pursued many more judicial review challenges, developing their legal capability in an important area of law in order to effect systems change during critical criminal justice times. This includes a challenge that resulted in a settlement that led to the discovery of fresh evidence. This evidence suggested a criminal conviction of an APPEAL client was unsafe and will form the basis of an application to the Criminal Cases Review Commission, the gatekeeper to the Court of Appeal.

The most prevalent systemic impact of this partnership has been organisational change, which has the potential to also impact upon movements and communities in the sphere of criminal justice reform. While it is clear that further time is needed to embed the legislative and policy reform on many of the issue the partnership

has addressed, the positive capacity building impact for Appeal has helped to lay the foundations for achieving those goals in future.

Anawim

Anawim is a voluntary sector organisation based in Birmingham that exists to support women and their children, especially women vulnerable to exploitation including prostitution. Lankelly Chase has funded Anawim to explore an alternative to the provision of fragmented and piecemeal mental health support for women suffering from severe and multiple disadvantage. Anawim offers flexible and holistic support for women in a “one stop shop” environment with a specialist mental health case worker, a Community Psychiatric Nurse and a psychologist. This includes a mix of one-to-one sessions, group work, support in the community and practical help. The emphasis is on women feeling safe and secure and taking an active role in their own support journey instead of having to follow pre-determined ‘referral pathways’ and rigid procedures. By working with custody suites, A&E departments and other local partners, Anawim is able to identify and support these women at an earlier stage than was possible before.

PLP has collaborated with Anawim in a number of different ways on a wide array of issues. This has ranged from directly supporting some of the individuals that Anawim works with to building the legal awareness of Anawim’s staff which then trickles down in a beneficial way to Anawim’s service users. This case study focuses on two examples of the types of work these organisations have undertaken together.

A first example highlights the advantages of raising organisational awareness of legal provisions that might benefit an organisation’s service users. Early in the partnership PLP organised training for Anawim staff on the Care Act 2014 and the Homelessness Reduction Act which came into force in April 2018. This has helped to ensure that staff are well placed in terms of their knowledge of the law and the duties of public authorities. One key insight from the training for staff was that service users have rights and entitlements under these pieces of legislation rather than being on the receiving end of good will or charity. Several interviewees noted that this has empowered Anawim staff to be bolder in the way they engage with public authorities. For example, one noted:

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

Another said:

I think they [the local authority] know that we know legally where the clients stand, that we're more likely to challenge it ... That's the impression I've got recently, and they're more willing to accommodate us when we make contact. Whereas sometimes I think they can easily brush you off with a 'well-that's-all-we've-got-so-tough' type attitude. It has made a really big difference to Anawim, receiving that training was excellent."

A second example concerns a core area of Anawim's work: prison in-reach in three prisons which accommodate women from the Birmingham area: HMP Foston Hall, HMP Drake Hall and HMP Eastwood Park. Anawim's case workers take on a wide variety of roles, including supporting women leading up to their release helping them to prepare for life in the community. This involves supporting them to apply for accommodation, making contact with solicitors, social workers and family members as requested. They also refer them to other organisations that can offer additional services, such as drug and alcohol misuse support. Anawim's aim is to ensure that women who are released from prison have a network of support ready for them.

However, there is a subset of women in prison who don't know if or when they might be released. These indeterminate sentences (also known as Imprisonment for Public Protection or IPP) were introduced in 2005 and enabled judges to set a minimum term, but no maximum term, to be served in custody. IPPs were abolished in 2012, in part because they were being extensively overused and also because of the mental health issues faced by those with no prospective release date. Yet, those with indeterminate sentences still account for about 13 per cent of the prison population according to 2019 Ministry of Justice data. Furthermore, more than 9 out of 10 people serving an IPP sentence are still in prison having passed the minimum period they must spend in custody.

Another issue that affects this group of prisoners is the potential to be recalled (i.e. returned to prison). If someone is recalled on an indeterminate licence they will be held indefinitely in custody. It came to Anawim's attention that some of the women that were being supported by the Outreach and Prison team were IPP prisoners. The support workers became aware of the enormous impact these sentences had on the women. One Anawim interviewee noted:

It's that lack of hope. They don't know if they're ever going to get out, and they don't know if they're ever going to get free of this sentence because the recall implications are huge for them. They don't just get recalled for two weeks like the other women do. They get recalled for months or years. It's a big one. It feels like it's out of our control.

Anawim raised the issue with PLP. According to one interviewee "IPP is the system that we see where people are stuck and we don't know what to do. We don't know what the levers are to unlock that system." PLP has brought their public law expertise to bear in a number of different ways on the issue and this work is still ongoing (see figure 2).

First, there has been work with affected individuals. Anawim and PLP have to-date supported a number of women (several of whom are almost a decade past the minimum period they were meant to serve) to navigate the IPP system. Sara Lomri has been to see the women and has tried to work out if there is any public law approach that might unlock them from their current situation. It became clear that the best solution for those individuals is a criminal appeal so PLP has identified the best lawyers to take on those cases. Those cases are making some progress, but the process is a long one.

Second, PLP has explored the possibility of a high-level challenge on the issue of indeterminate sentences. This could entail, for example, a judicial review of the system which would involve gathering evidence of the impact of the system on prisoners and collating case studies exemplifying the injustices of the system. However, in the course of exploring these possibilities Sara Lomri became aware through Anawim's twitter feed of an event being held at the University of Leicester on the issue of indeterminate sentences.

She noted:

It was so informative, and really saved me months of work. I learned about the IPP improvement plan that HMPPS [Her Majesty's Prison and Probation Service] are pushing out. I considered that the plan ... it was exactly the kind of thing that I was imagining asking the court to require that the Secretary of State to do.

One of the attendees at the event is the lead psychologist on the IPP improvement plan and noted that women who are IPP-sentenced prisoners have a different set of problems and challenges and that there is a need to develop a strategy to address those issues. Sara Lomri of PLP is in ongoing dialogue with HMPPS around an IPP strategy for women.

As a follow-up to the University of Leicester event, Sara Lomri and Harriest Wistrich of the Centre for Women's Justice agreed to organise a roundtable event on the issue bringing together civil society organisations, including the Centre for Criminal Appeals

(now Appeal), that work on issues related to women and the criminal justice system to consider ways forward and identify potential opportunities for one of them to take the issue forward, potentially through a legal challenge. The progression of the issue as part of a network means that organisations are able to share information and will - if appropriate - be able to collaborate (formally or informally) should the right opportunity for a legal challenge to the system arise. Likewise, engagement in these networks has helped equip organisations with legal knowledge in other areas relevant to their work, for example, in relation to equality law and the development of transgender policies.

This case study highlights the number of different legal approaches that have been deployed and explored: from training in law to legal advice for individuals to legal network building to policy engagement to consideration of a high-level challenge. This also highlights the complexity of the potential pathways to systems change through the use of the law.

Fig. 2: The range of legal approaches being deployed on the issue of indeterminate sentences



Legal approaches

The strategic partnership has drawn upon a variety of complementary legal approaches in collaboration with partner organisations. In this section, we outline the legal tools used and the range of potential impacts they might have.

Provision of legal information

In the context of PLP's work the provision of legal information can be wide ranging and it was also the most prevalent form of support given by PLP to partner organisations. It includes researching points of law relevant to local authority obligations, conducting legal research in relation to government consultations or working groups and / or providing legal information on the rights and entitlements of particular groups experiencing discrimination and disadvantage. The potential short-term impacts relate to empowering both individuals and organisations, as well as potentially mobilising groups and communities. In the longer term, the strategic partnership demonstrates the potential policy impact of organisations having an early and more informed participatory role in the consultative processes of public decision-making.

For example, PLP's research for Revolving Doors facilitated some of their engagement with access to justice issues on digital court reform. PLP provided legal information on digital exclusion and online courts, which helped Revolving Doors to feed into the HMCTS working group on digital exclusion. Together with Agenda, PLP provided background research and identified key issues for Agenda's parliamentary and executive engagement on the Domestic Abuse Bill. We note in this context that the provision of legal information often rested alongside wider network building (see further below) as PLP helped facilitate organisational engagement with, for example, select committees or working groups. The provision of legal information alongside network building creates potential for longer term policy impact by, for example, raising awareness of issues for strategic challenges.

Provision of training on public law

PLP's training provision is related to the provision of legal information. It allows organisations to gain awareness of legal rights and entitlements in public law but also to consider their application in practical contexts relevant to their own work. It might involve working with organisations in a one-to-one capacity or providing workshops and / or larger training events with staff. The potential initial impacts rest predominantly in empowering individuals and organisations, but also have the potential to mobilise groups. Longer term impacts include further empowerment of a wider range of individuals as well as policy impact.

For example, PLP's training to Anawim on the Homelessness Reduction Act and the Care Act empowered frontline workers when engaging with local authorities in their capacity as advocates on behalf of women recently released from prison. PLP also developed in depth training on commissioning and procurement practices for small NGOs. This helped partner organisations to better understand commissioning law as well as anticipating common problems encountered in tendering and how to overcome them or, where appropriate, challenge an unfair procurement process.

Provision of expert public legal advice

The provision of expert legal advice is a step along from the provision of legal information. It involves PLP bringing their legal expertise to bear in more formally advising individuals and organisations on their legal rights and entitlements, as well as challenging local and central government decision making where appropriate. PLP's provision of expert legal advice has the potential for the widest range of possible initial impacts including on individuals, organisations and groups. It also holds the potential for policy and practice impact (for example, where a local authority changes their policy or practice as a result of challenge) and legal impact (for example, clarifying the interpretation of law consistent with equality and human rights obligations).

Longer term impacts include more widely affecting individuals or groups, as well as creating policy impact in future.

In the strategic partnership, PLP's advice provision to Untold Story raised awareness of a local authority's obligation not to overreach their power to issue injunctions under the Local Government Act 1972. In this case, PLP's advice helped the group to engage with the local authority about the vulnerabilities faced by women working in prostitution and urged them to change their treatment of this group. Similarly, with FFT PLP advised on the use of wide injunctions by local authorities against Gypsy, Roma and Traveller communities. Their advice on EU settled status resulted in a briefing note for the All Party Parliamentary group on settled status, demonstrating again how the provision of legal information and / or advice can facilitate participatory engagement processes. A further example of PLP's advice provision is their work with Appeal where they gave expert advice on discrimination issues relevant to the use of imprisonment for non-payment of council tax, as well as advice on private prosecutions for failure to pay TV licences. In each of these examples PLP empowered the partner organisations to better assert legal rights in relation to decisions affecting their clients and service users.

Building legal capacity within organisations

PLP's work building legal capacity within organisations rests upon several of their other legal approaches, such as the provision of legal information and advice, and is another prevalent tool adopted by PLP in the strategic partnership. It enables organisations to use public law knowledge and skills to, for example, make claims on behalf of clients and service users facing discrimination and disadvantage, to promote and protect human rights and adherence to the rule of law and to have a voice in law and policy reform relevant to their work. The key initial impact of legal capacity building is to empower organisations. The potential longer-term consequences are policy impact, further empowerment of individuals and the mobilisation of groups and communities.

PLP's work with FFT described above provides an illustrative example of capacity building, which facilitated parliamentary engagement on a variety of issues including Brexit. Likewise, the work with Appeal developed their capacity to pursue judicial review challenges relevant to systemic criminal justice issues. The initial organisational impact of this work is clear with longer term impacts dependent upon the success of subsequent policy lobbying and / or challenges in the courts.

Supporting organisations in frontline casework

Many of the organisations PLP collaborated with engaged in frontline work in discrete subject areas including, for example, criminal justice, women's rights and Gypsy, Roma and Traveller rights. PLP supported five partner organisations in their frontline casework with clients and service users. PLP's support is extremely wide ranging from connecting affected individuals to lawyers working in the field, directly providing clients with information on administrative issues relevant to frontline work or helping to facilitate strategic challenges. One of the key initial impacts is to empower affected individuals, but there is also the potential to impact organisations and mobilise groups, likewise with the longer-term impact associated with supporting organisations in this way.

PLP's work with Anawim demonstrates the potential impact of supporting frontline casework. PLP's expert input on the legal issues raised by IPP sentencing of women who are unable to secure release added support to Anawim's frontline work in prisons. Thereafter, facilitating discussions among a range of civil society organisations about the unlawfulness of IPP sentencing laid the foundations for future systemic challenge. PLP's work with FFT similarly demonstrates the extent to which PLP's expertise can enhance the ability of frontline caseworkers and advisors to meet the access to justice needs of clients and service users. Here, a guidance note helped support those with no low or no literacy to access Universal Credit. This was enhanced with one-to-one support in order to equip staff members and create longer term impact by embedding the knowledge within the organisation.

Representing clients in strategic cases

As a step beyond the provision of legal advice, PLP might represent clients in strategic proceedings before the courts. Similar to the provision of legal advice, PLP's representation of clients in strategic cases has the potential for the most wide-ranging impacts both in the short and long term. This includes empowering individuals, organisations and groups as well as impacting upon law, policy and / or practice. These impacts are enhanced in the long term, with the additional potential for social, cultural and institutional impact dependent on, for example, campaigning in the public sphere in order to implement legal decisions or changing practices that influence the behaviour of large institutions.

The case study of PLP's challenge to Personal Independence Payments demonstrates in detail the different levels of empowerment, both on the individual client and other civil society organisations involved in the case, as a result of the strategic action. Furthermore, the case study had a clear impact on the law and policy framework for welfare benefits and mental ill health conditions. PLP's collaboration with Appeal also demonstrates the potential for wide-ranging impacts in relation to learning disabled individuals in the criminal justice system. Finally, the FFT case study shows how PLP's work can help develop the litigation strategies of other organisations.

Legal network building

In this context, network building refers to bringing together partner organisations with wider civil society organisations and / or individuals in the legal community. Multi-disciplinary research has long demonstrated the extent to which networks can facilitate innovative approaches and encourage experimentation (Mujis et al, 2011). Network building also has the potential to influence governance, structure and new relationships with different actors at both local and national level.

PLP have played an important role developing the legal networks of many partner organisations involved in the partnership. For example, connecting Anawim to other organisations working on challenging IPP sentences including the Howard League, Appeal, Women in Prison, Prisoner's Advice Service and the Centre for Women's Justice. Legal network building presents an opportunity to enhance the impact of other legal approaches used in the strategic partnership, for example, further dissemination of legal information or implementation of strategic casework.

Conclusions

There are a number of lessons to draw from the use of legal approaches by PLP. The first is the extent to which the tools used interrelate and for what purpose. At times, it is of course difficult to anticipate the way in which casework might develop such that PLP (and their partner organisations) need to act reactively. There are other examples, however, where planning over time around the strategic development of complementary approaches maximises impact. An example of this is the work with Anawim where legal capacity and network building was a direct consequence of the provision of legal information, training and support for frontline casework. Our data collection also suggests that the greater the number of underlying legal approaches adopted by PLP, the wider the impacts in terms of network and capacity building.

An important lesson in the use of different legal approaches across organisations has been the necessity of ensuring tasks are owned, especially in the implementation phase of strategic casework. As one interviewee comments, "It's really easy to build up this kind of change as being all about the legal case but actually it's all about what then happens. I think that there is a real hole there in terms of who does that work, who owns it, who has the best access?"

It is also worth noting why some organisations might have found it difficult to engage with the partnership, or otherwise experienced barriers in using the legal approaches outlined above. Based on our interviews with organisations across the strategic partnership, we found that there were different drivers for relative non-engagement with these legal tools. For some, it was because of time and resource pressures; and the current context plays a role in exacerbating these challenges. As one interviewee commented:

There are so many other competing demands on my time. I haven't been able to give [the partnership] the time that I could have if things were different. I don't feel I've engaged with it as much as I could have. But that's just the way the sector is at the moment.

Another interviewee noted the difficulty in connecting PLP's expertise to issues they were facing on the ground. Clear pathways to using legal approaches in day-to-day work might not always be available:

It's just because of how we're structured, partnership managers support different areas of the country to adopt our approach, we facilitate it rather than doing it ourselves so it's hard to integrate [PLP support].

Finally, in using legal approaches another key challenge rests upon differences between the languages of law and policy. These differences might create barriers in finding ways in which the law can resolve issues or help challenge systemic problems. One interviewee captures this well:

The disconnect is that when you do policy work it is often quite high level and about principles and when you start getting into the nitty gritty of the law it becomes a lot more granular...for a campaigning organisation we're never going to have the capacity to really hone in on one detail that is potentially quite technical.

Lessons on collaboration

In this final section, we distil a number of important lessons from the collaborations facilitated by the strategic partnership.

Lessons for small NGOs

- **COLLABORATION REQUIRES UPFRONT INVESTMENT, CAPACITY AND OPENNESS ON THE PART OF ALL PARTNERS TO ENGAGE:** even the process of exploring which legal approaches might be useful to an organisation takes time. This can be challenging, especially in the current context of both internal and external pressures facing civil society organisations. Thinking carefully about the areas of work which might require legal support and being realistic about the time required for engagement on issues will help maximise impact. Consider building this time into funding applications where appropriate.
- **PARTICIPATE EARLY AND OFTEN:** those organisations that engaged on policy issues in early stages were able to make a meaningful contribution to law and policy reform, as well as having a platform in parliamentary committees and working groups. Early engagement can also facilitate having a role to play in strategic casework down the line. Likewise, ensuring repeated rather than one-off engagement on legal issues with expert legal organisations can ensure everyone is kept abreast of changes in a rapidly evolving space.
- Collaboration can provide vital evidence about unfair systems: a number of the partnerships demonstrate the valuable role that collaboration can play in bridging the gap between different civil society organisations that have expertise working on systemic issues. This can help to connect organisations working on the same matter but from different perspectives, especially in terms of evidence-gathering in support of systemic challenges where both legal and non-legal perspectives are required. Frontline organisations will have vital experience and expertise that might contribute to systemic challenge either in the courts or policy processes.
- **ANTICIPATE CONFLICT BETWEEN LAW AND POLICY APPROACHES TO ISSUES:** for some organisations there is a barrier in terms of connecting law to policy or campaign issues. The law can seem overly technical and inaccessible such that its relevance to matters at hand is not immediately clear. It is worth considering that the law might support you in some aspects of your work but will not appropriate be in others. It might also be that there is a barrier in terms of legal language making the use of legal approaches seem inaccessible when they are not. Always encourage lawyers to communicate in terms that are accessible to you, your clients and service users.
- **ORGANISATIONAL PATHWAYS NEED TO FACILITATE ADVICE AND INFORMATION EXCHANGE:** the strategic partnership demonstrates the value of information exchange but also that the structure of some organisations might limit the extent to which knowledge can be shared in order to tackle systemic issues. This might be because of a disconnect between frontline workers and central management or because different parts of an organisations have divergent aims. Explore different pathways for the use of legal approaches and different communication methods for facilitating it.
- **COMMUNICATE ABOUT THE DECISIONS OF PUBLIC BODIES IN YOUR FRONTLINE WORK:** carefully consider the decisions made by each of the public bodies you work with and communicate both across your organisation, and outside it, to help spot systemic issues and problems. Engage with public lawyers at an early stage if you think decisions might be unlawful, unreasonable or potentially discriminatory for any reason.

Lessons for expert legal organisations

- **CONSIDER THE FULL SPECTRUM OF LEGAL TOOLS AVAILABLE AND THE POTENTIAL RELATIONSHIP BETWEEN THEM:** the initial provision of legal research and information on an issue will lead to other legal approaches such as advice and representation. Consider the initial phase as an important part of the process of relationship building and always think about wider legal capacity and network building regardless of the approach you choose. Interrelated legal approaches will maximise the impact in the longer term and lay the foundation for wider impact upon groups and / or law and policy reform.
- **LITIGATION IS CONSIDERED A RISKY OPTION TO PURSUE AND REQUIRES BUY-IN:** the strategic partnership confirms the findings of our literature review that litigation is not an avenue that all organisations want to pursue, nor might it always be appropriate to do so. Organisations may need time to consider whether it is an appropriate tool for them and in what capacity they might be involved. While this can be challenging given time constraints, it is important to consult with organisations about both the possibilities and limitations of the use of litigation, as well as what other legal approaches (for example, negotiating with a public body or pursuing a complaint to an Ombudsman) might be available.
- **MAKE THE LAW ACCESSIBLE:** find ways to make the law and legal language accessible and minimise the use of jargon. Look at issues as holistically as possible, ensuring that you listen to the experience and expertise of partner organisations so that legal approaches are not imposed but shared.
- **RESPONSIBILITY FOR IMPLEMENTATION WORK AFTER A LEGAL INTERVENTION NEEDS TO BE OWNED:** one challenging impact of collaboration is the risk of confusion around who has responsibility for different elements of casework at different stages of the litigation process. This can especially be the case in the implementation phase after a judgment in the courts. Try to anticipate which organisations might be able to play a role at different stages in the process and plan for different outcomes so that responsibility can be owned from an early stage.

Lessons for funders

- **COLLABORATIVE LEGAL APPROACHES TAKE REQUIRE EXPERIMENTATION:** all partners in the collaboration need to invest time in exploring, piloting and implementing different legal approaches. It is important to fund both legal organisations to deliver their expertise, as well as smaller NGOs to participate in collaborative programmes of work and help implement reform. Organisations need the space and time to consider who they can collaborate with and in what ways in order to develop and realise a shared vision for systemic change.
- **LEGAL NETWORK BUILDING ENHANCES THE USE OF OTHER LEGAL APPROACHES:** in the right circumstances supporting legal networks across different subject areas will maximise the impact of other legal approaches such as the provision of legal information, advice and representation. Creating opportunities for smaller NGOs to participate in wider networks which have traditionally only included legal organisations will help to challenge systemic disadvantage in the long term.
- **CREATING IMPACT WITH COLLABORATIVE LEGAL APPROACHES TAKES TIME:** in considering how organisations report their impact funders should be mindful of the time required to implement change through the use of legal approaches. The partnership demonstrates that the time taken to see initial impacts across the use of law with different organisations was eighteen to twenty-four months.

References

- ¹ Amnesty, *Cuts That Hurt: The impact of legal aid cuts in England on Access to Justice* (2013). London: Amnesty; Organ, J. and Sigafos, J. (2018) *The impact of LASPO on routes to justice*. Manchester: EHRC.
- ² Public Accounts Committee (2016). *Report on Efficiencies in the Criminal Justice System*. London: HMSO.
- ³ Adisa, O. (2018) *Access to Justice: Assessing the Impact of Magistrates' Court Closures in Suffolk*. Suffolk: University of Suffolk.
- ⁴ Hastings, A et al. (2015) *The cost of the cuts: The impact of on local government and poorer communities*. London: JRF.
- ⁵ Joseph Rowntree Foundation (2018). *UK Poverty Report*. London: JRF.
- ⁶ Alston P. (2019) *Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on Extreme Poverty and Human Rights*. New York: UN Human Rights Council.
- ⁷ Ibid.
- ⁸ Stewart, K. et al (2019) *What does Brexit mean for social policy in the UK?* London: Nuffield Foundation.
- ⁹ Genn, H. (1999) *Paths to Justice: What people do and think about going to law*. Oxford: Hart Publishing; Ewick, P and S. Silbey (1998) *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press; Paris, M. (2010) *Framing Equal Opportunity: Law and the Politics of School Finance Reform*. Stanford, CA: Stanford University Press; Sarat, A and T Kearns, eds. (1993) *Law in Everyday Life*. Ann Arbor: University of Michigan Press.
- ¹⁰ Andersen, E. A. (2005) *Out of the Closets and into the Courts: Legal Opportunity Structure and Gay Rights Litigation*. Ann Arbor: University of Michigan Press; Hilson, C. (2002). "New social movements: the role of legal opportunity," *Journal of European Public Policy* 9(2), 238-255; Marshall, A. (2003). "Injustice frames, legality, and the everyday construction of sexual harassment," *Law & Social Inquiry*, 28(3), pp. 659-689.
- ¹¹ Epp, C. (2008) Law as an Instrument of Social Reform. In *The Oxford Handbook of Law and Politics*. Oxford: OUP; Galanter, M. (1974) "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," *Law & Society Review* 9(1), pp. 95-160.
- ¹² Andersen, E. A. (2005) *Out of the Closets and into the Courts: Legal Opportunity Structure and Gay Rights Litigation*: University of Michigan Press; Vanhala, L. (2012) "Legal Opportunity Structures and the Paradox of Legal Mobilization by the Environmental Movement in the UK," *Law and Society Review* 46(3) pp. 523-556; Cichowski, R and Stone Sweet, A (2003) "Participation, Representative Democracy and the Courts." In: Cain, B. et al (eds) *Democracy Transformed*. Oxford: OUP, pp.192-220.
- ¹³ Vanhala, L. (2018). Is Legal Mobilization for the Birds? Legal Opportunity Structures and Environmental Nongovernmental Organizations in the United Kingdom, France, Finland, and Italy. *Comparative Political Studies*, 51(3), 380-412
- ¹⁴ Vanhala, L. (2011) *Making Rights a Reality? Disability Rights Activists and Legal Mobilization*. New York: Cambridge University Press; McCann, M. (1994) *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press.
- ¹⁵ Vanhala, L. (2011) *Making Rights a Reality? Disability Rights Activists and Legal Mobilization*. New York: Cambridge University Press; Vanhala, L. (2018). Is Legal Mobilization for the Birds? Legal Opportunity Structures and Environmental Nongovernmental Organizations in the United Kingdom, France, Finland, and Italy. *Comparative Political Studies*, 51(3), 380-412.
- ¹⁶ Gordon, J. (2007). The lawyer is not the protagonist: Community campaigns, law, and social change. *Calif. L. Rev.*, 95, 2133.
- ¹⁷ Epp, C. (2008) "Law as an Instrument of Social Reform." In; *The Oxford Handbook of Law and Politics*. Oxford: OUP.
- ¹⁸ <https://www.gypsy-traveller.org/wp-content/uploads/2018/09/Brexit-The-Impact-on-Roma-Communities-in-the-UK-Transcript.pdf>



Public
Law
Project