

SPOTLIGHT

# Righting wrongs in the benefits system

Our London office is helping a local legal advice centre ensure fair access to disability benefits.

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**S**ince 2016, our London office has been collaborating with University House, a local legal advice centre based in one of the city's most deprived boroughs.

We've been helping them with a multi-firm pro bono project to help individuals regain access to essential disability benefits that may have been withdrawn in error.

Following a series of welfare reforms in the UK in recent years, tens of thousands of individuals each year who are unable to work because of disability, long-term illness or mental health issues have faced the abrupt stoppage of benefits payments upon being reassessed by the UK Government's Department for Work and Pensions (DWP).

The removal of benefits payments can have a drastic impact upon recipients, with many struggling to meet the cost of living. On appeal, around two thirds of these assessments are found to have been made in error. To date, our lawyers have helped more than 25 individuals to appeal their loss of benefits at the first-tier social security tribunal. We have an 85-90 per cent success rate, indicating how having legal representation increases greatly the chance of success. Many of our clients have had the scope of their original benefits payments widened by the tribunal judges.

Susan Pillai of University House's welfare team comments: "White & Case has been one of our long-standing supporters with a number of active volunteer advisers.

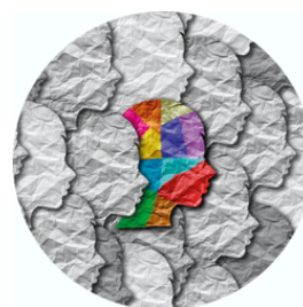
"Our advocacy project remains instrumental in supporting people with disabilities and long-term health problems who face serious financial hardship when their disability benefits are stopped following reassessment.

"In some cases, these clients are not in receipt of any other benefits and have no other means of financial support.

"Every year, we see an increase in the number of people relying on food banks and, for most of our clients, the only way to address the problem is by challenging the DWP's decision at the first-tier tribunal.

"That's not easy for them to do without expert legal support, because their disability, culture or health problems mean they find it very difficult to cope with this stressful process on their own.

"That's why the support of partners such as White & Case in preparing and presenting these cases at tribunals is so critical to the success of this project."



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**WILL GRAHAM, PARTNER**



**“The work is perfectly suited to the Firm. There is a regular flow of cases and those cases tend to be condensed into a couple of weeks’ work, so our volunteers can fit them around their existing work.”**

ROBERT WHEAL, PARTNER

Partners Robert Wheal, Rory Hishon, Alope Ray, James Holden and Zelda Hunter have supervised these matters, supporting associate and trainee volunteers based in London and more recently Geneva.

Our volunteers meet with clients to discuss their appeals before preparing and presenting submissions to the tribunal.

Robert explains: “The work is perfectly suited to the Firm. There is a regular flow of cases and those cases tend to be condensed into a couple of weeks’ work, so our volunteers can fit them around their existing work.

“Unusually for pro bono work, the cases involve oral as well as written advocacy, because our lawyers attend the tribunal hearing with the clients, so it’s a great chance to use the full range of their skills and take ownership of matters.

“The supervising partners are there to offer support, but the lawyers are given full responsibility.”

Due to the nature of the cases, there is no shortage of volunteers, with several volunteers working on multiple cases for University House over the years.

Rory says: “When associates and trainees have time, they are keen to do something to help the community and provide a service to people who would otherwise be without representation.

“The awards in these cases aren’t huge, but they are life changing for the clients, many of whom don’t have the language skills or familiarity with the process to make their case as well as they might.

“It’s clear that a lot of people fall between the cracks and are denied the benefits they are entitled to. The sheer size of the administrative system means mistakes will always be made, so we are here to bring rationality back to the decision-making process when that happens.”

Senior Manager of Global Citizenship Sophie Orr says: “Our work with University House aligns well with the focus of our Global Pro Bono Practice on access to justice.

“Fee earners from any practice group can contribute to this project and no prior experience is required. It is an excellent way for our lawyers to use their legal skills to help very vulnerable people living so close to our office.”



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While the volume of cases didn't rise for University House during the pandemic, the Firm's connectivity and the effectiveness of our IT meant we were well placed to continue conducting interviews and attend hearings remotely, meaning we could continue to take on cases. One recent case saw us represent a child for the first time as we helped a father named Hassan and his six-year-old son, Yusuf, reverse the decision to discontinue Yusuf's care and mobility benefits.

Associates Eileen Crowley and Will Corbett-Graham worked on the case under the supervision of Partner James Holden.

Will explains: "Yusuf has autism and the initial decision to refuse him benefits had a devastating effect on him and his family.

"Autism cases are particularly hard to win, because it's difficult to prove that people with autism satisfy the relevant criteria for the mobility and care components of Disability Living Allowance.

"Despite the fact that his father submitted more than 300 pages of documentation from doctors, care workers and Yusuf's school to support his case, the initial application was rejected, so University House asked us to represent him."

Despite only having a week to prepare for the case, Eileen and Will researched the evidence and prepared and filed a submission.

Will says: "It was immediately clear that the family had been on the wrong end of a very bad decision but the challenge was to convey that clearly owing to the volume of evidence.

"Yusuf has autism spectrum disorder and our main challenge was to critically analyze the evidence and present it in a more organized, joined-up way.

"We must have succeeded because, when we turned up to the tribunal, the judge told us they were convinced on the strength of our written submission and awarded Yusuf the highest level of benefits for both the mobility and care components – which was considerably better than what he'd received previously."



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Eileen says: "When the decision was announced it was one of the best moments of my career so far. Seeing his father's reaction in real time was so touching and emotional.

"I'd always encourage associates and trainees to do this type of work, not only because the results are so meaningful and potentially life-changing for the clients, but also because you get the chance to take charge of a case from start to finish, taking the initiative and getting to know the client."

Our relationship with University House continues to go from strength to strength and Robert is now a trustee, meaning he attends board meetings and has a say in the direction of the charity.

He says: "They've got exciting plans to increase their scope in the future and are looking into the possibility of family law clinics.

"There is a lot of scope to expand. University House is a very innovative law centre with real drive and vision, so I'm excited to see how the relationship develops in the coming years."

Susan Pillai certainly values the Firm's contribution. She says: "Everyone we've worked with at White & Case has been fully committed and always engage effectively with our clients. They put in detailed pre-hearing preparation work and show excellent advocacy skill in all cases.

"The huge scale of our advocacy scheme and the many successful outcomes have only been possible due to the ongoing commitment from advisers from White & Case and the other law firms that support this project."



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