

PERTH AND KINROSS COUNCIL**Strategic Policy and Resources Executive Sub Committee****26 March 2014****Ethnic Minorities Law Centre****Report by David Burke, Depute Chief Executive****PURPOSE OF REPORT**

This report asks the Council to note the positive activity and progress undertaken by the Ethnic Minorities Law Centre during an initial six month pilot programme and seeks approval for the continuation of the project.

1 BACKGROUND

- 1.1 Based on the annual community intelligence reports produced by the Minority Ethnic Access Development Project (MEAD) it was identified that local Black Minority Ethnic (BME) Communities were experiencing difficulties in accessing mainstream legal advice in relation to issues such as immigration, discrimination and employment rights. No local specialist legal service was available in this area.
- 1.2 Following discussions with the Chief Executive the Ethnic Minorities Law Centre (EMLC) were therefore invited to deliver a six month pilot project within Perth and Kinross commencing in September 2013 with funding being provided by Housing and Community Care.
- 1.3 The initial pilot period was to assess how best to complement and enhance the existing provision of advice and specialist support for the increasing Black and Minority Ethnic (BME) population living in the Perth and Kinross area. The project has experience of providing a similar outreach service in other parts of Scotland, for example Highlands and both Lanarkshire councils.
- 1.4 The EMLC have been working closely with the Council and other partner organisations including the MEAD Project; Minority Ethnic Carers of People Project (MECOPP) for Gypsy/Traveller Carers Perth Citizens Advice Bureau (CAB) and Perthshire Women's Aid to develop their service locally. This has included the delivering of free training to partner organisations. Language support for appointments is provided either directly by EMLC staff or in partnership with MEAD. Appointments are made locally as part of an outreach service and local venues are provided usually by referring organisations.

- 1.5 The EMLC provides free legal advice and representation to BME communities in the area of Immigration law & Nationality law, Asylum, Refugee & Human Rights law, Employment law, Discrimination law and Criminal Injuries Compensation.
- 1.6 EMLC have identified evidence of unscrupulous practices whereby BME community members may be exploited by fees being taken on the false promise of legal advice and assistance being offered.
- 1.7 As part of the pilot programme the EMLC also provide free training to Council and partner organisations which can be tailored to suit the specific needs of the organisations concerned.

WORK UNDERTAKEN TO DATE

The table below provides details of the work undertaken by the EMLC during the initial phase of the pilot period from September to December 2013.

CASES

During this period EMLC have held 11 advice surgeries and opened 18 new cases. Their breakdown in terms of Subject matter, and the client's ethnicity, gender and age are displayed in the table below.

AREA SUBJECT	<u>PERTH</u>	<u>KINROSS</u>	<u>ABERNETHY</u>	<u>TOTAL</u>
IMMIGRATION	<u>8</u>	<u>1</u>	<u>1</u>	<u>10</u>
Regularisation	2			2
Set (M)	1			1
Nationality	3			3
Registration of a minor		1		1
EEA National			1	1
Tier 2 Settlement	1			1
Passport application & EEA rights	1			1
EMPLOYMENT	<u>6</u>			<u>6</u>
Employment Rights	4			4
Unfair Dismissal	2			2
DISCRIMINATION	<u>2</u>			<u>2</u>
Driving Offence	1			1
Housing application	1			1
TOTAL ETHNICITY	<u>16</u>	<u>1</u>	<u>1</u>	<u>18</u>
White Polish	8			<u>8</u>
Asian Indian	3		1	<u>4</u>
Asian Thai	1	1		<u>2</u>
White South African	1			<u>1</u>
Asian Pakistani	1			1
Asian Afghanistan	1			1
White British	1			<u>1</u>

<u>TOTAL GENDER</u>	<u>16</u>	<u>1</u>	<u>1</u>	<u>18</u>
Female	9	1		<u>10</u>
Male	7		1	<u>8</u>
<u>TOTAL AGE</u>	<u>16</u>	<u>1</u>	<u>1</u>	<u>18</u>
20-29	4			<u>4</u>
30-39	6		1	<u>7</u>
40-49	3	1		<u>4</u>
50 -59	2			<u>2</u>
60+	1			<u>1</u>
<u>TOTAL</u>	<u>16</u>	<u>1</u>	<u>1</u>	<u>18</u>

Referrals

Of the 18 cases opened in this period 13 were referred by the MEAD project, 4 were referred by Perth CAB and 1 client made direct contact themselves.

Subject Matter

Immigration

Regularisation - Regularising status relates to assisting those who do not have valid leave to remain in the UK clarify their immigration status and allow them to reside in the UK legally. This type of application will very much depend on the merits of each individual case and regard is given to human rights arguments.

Set(M) - SET(M) is the application form for a visa for someone who is applying for settlement in the UK on the basis of being married to, or in a civil partnership with, a British citizen.

Nationality - Nationality cases allow those with indefinite leave to remain in the UK to become British citizens. This can be very important for clients who feel that they have integrated well into British society and now consider themselves to be British.

Registration of a minor – The application for a child to apply for British Citizenship.

European Economic Area (EEA) National – This is the application for confirmation of the right to reside in the UK as a family member of an EEA national.

Tier 2 – (Previously work permit holders) An applicant here on the basis of employment seeking further advice about an extension of their leave to remain in the UK

Passport application & EEA rights – Advice was provided concerning the application procedure and further advice was provided concerning rights of an EEA National residing in the UK.

Employment

Employment Rights – Advice was provided concerning employment rights in the UK in the workplace. In these specific instances the advice was concerning rights in relation to pregnancy and maternity.

Unfair Dismissal – Representation of clients who have been unfairly dismissed.

Discrimination

Housing Application - Discrimination cases involve the representation of clients who have experienced race, religion & belief and disability discrimination. In this case in relation to a housing application.

2.2 The table below provides details of the telephone enquiries received by the EMLC during the initial phase of the pilot period from September 2013 to February 2014.

TELEPHONE ENQUIRIES

There were 23 telephone enquiries received throughout the period September 2013 to February 2014. The breakdown of these enquiries by area, subject, ethnicity and gender is shown below.

<u>AREA SUBJECT</u>	<u>PERTH</u>	<u>BLAIRGOWRIE & RATTRAY</u>	<u>TOTAL</u>
IMMIGRATION	<u>19</u>		<u>19</u>
Spouse visa	4		<u>4</u>
ILR	3		<u>3</u>
Welfare Entitlement	1		<u>1</u>
Set(M)	2		<u>2</u>
Overstayer	1		<u>1</u>
Nationality	2		<u>2</u>
EEA Registration certificate	1		<u>1</u>
Passport application & EEA rights	1		<u>1</u>
Visit Entry Clearance	2		<u>2</u>
Deportation	1		<u>1</u>
EEA3	1		<u>1</u>
EMPLOYMENT	<u>2</u>	<u>1</u>	<u>3</u>
Contract of Employment		1	<u>1</u>
Unfair Dismissal	1		<u>1</u>
Race Discrimination	1		<u>1</u>
FAMILY LAW	<u>1</u>		<u>1</u>
<u>TOTAL ETHNICITY</u>	<u>22</u>	<u>1</u>	<u>23</u>
Asian Indian	4		<u>4</u>
White Polish	2	1	<u>3</u>
White Lithuanian	2		<u>2</u>
Asian Pakistani	4		<u>4</u>
Asian Malaysian	1		<u>1</u>
Black African	1		<u>1</u>

White European	1		<u>1</u>
White Other	1		<u>1</u>
White British	6		<u>6</u>
<u>TOTAL GENDER</u>	<u>22</u>	<u>1</u>	<u>23</u>
Female	14		<u>14</u>
Male	8	1	<u>9</u>
<u>TOTAL</u>	<u>22</u>	<u>1</u>	<u>23</u>

Second Tier

12 of the 23 telephone enquiries were Second tier advice calls from partner organisations. 6 of which were from Perth Citizens Advice Bureaux, 4 were from the MEAD project and 2 were from Perth Women's Aid.

Subject Matter

Immigration

Spouse visa - *Spouse visas allow those settled in the UK to invite their spouses to live with them permanently in the UK. This right is important in terms of Article 8 of the ECHR further discussed below.*

ILR – *application for Indefinite Leave to Remain in the UK.*

Welfare Entitlement – *Advice provided regarding welfare entitlement as an EEA National.*

Set (M) – *as above.*

Overstay – *Advice provided to someone whose right to reside in the UK has expired and are seeking advice on how to regularise their status.*

Nationality – *as above.*

EEA Registration certificate - *EEA Residence certificate secures identification for European Nationals which proves their right to reside and work in the UK.*

Passport application & EEA rights – *as above*

EEA3 – *This is the application for an EEA national looking to settle in the UK and who has exercised treaty rights for a period of five years or greater.*

Employment

Contract of Employment – *Advice provided in relation to contractual rights and what can be considered reasonable demands of the employer.*

- 2.3 As part of the pilot arrangement EMLC provide free training courses to the Council and partner organisations. Three specialist training sessions have been held and these have been well attended and positively evaluated. Tailored training can also be provided on request and a session was held with the Homelessness Team. These training sessions provide added value to the direct service offered locally by EMLC.
- 2.4 As a new project in the Perth and Kinross area EMLC have also been actively attending and organising meetings and third sector and community events throughout the area. These have proved an effective way of establishing functioning partnerships and collaborative working approaches to deliver services for BME communities on the largest scale possible. Meetings have been held with organisations such as Perth CAB, Rape and Sexual Abuse Centre (RASAC) and Perth Women's Aid to raise awareness and establish referral protocols. Attendance and presentations at multi-agency events such as the Community Equality Advisory Group (CEAG); the Multi-Agency partnership hosted by the MEAD Project and the Equality and Diversity Member Officer Working Group within Perth & Kinross Council have been an extremely important part of the work during this initial pilot phase.
- 2.5 As well as raising awareness of services with organisations in the area who serve communities EMLC have also been pro-active in making their services known amongst the communities themselves. They hosted a stall at the 'Get Together Event' hosted by Perth and Kinross Council which was the third annual Gypsy/ Traveller Health and Wellbeing event. Regular attendance at the minority ethnic community lunch clubs have also commenced as well as attendance at the recent Chinese New Year celebrations.

3. FUTURE AREAS OF DEVELOPMENT

- 3.1 Many of the cases are complex and will require greater input before an outcome can be reported. It should be noted however, that whether or not extended funding is provided EMLC are committed to continuing to work with existing cases in Perth and Kinross until their conclusion.
- 3.2 Whilst the service has identified there is a need locally for the service and is currently delivering successfully during the limited time frame of the pilot period there are already further areas of development which have been identified which can only be achieved over a longer term period.
- 3.3 There is a requirement to undertake direct work with local employers which have been identified as employers of a migrant workforce including self-employed minority ethnic businesses. In particular this will help raise awareness of support available to their employees but also ensure they are fully aware of their rights and responsibilities as employers.
- 3.4 There is a requirement to undertake work centring on the potential exploitation of the migrant and minority ethnic community workforce and ensure they are aware of any potential 'scams'.

- 3.5 There is the opportunity to involve EMLC in further work which takes place locally in schools and with young people (for example involving Show Racism the Red Card) to assist in the wider promotion of youth discrimination. An initial session has already been planned at Perth Grammar School.
- 3.6 There is an identified action within the recently approved Gypsy/Traveller Strategy about “the best way for community members to receive independent, impartial advice” and EMLC will be instrumental in assisting to achieve this.
- 3.7 There is the opportunity to link into existing work with MEAD and MECOPP Gypsy/Traveller Carers Project funded through the Change Fund into research for the future needs of the ageing minority ethnic population.
- 3.8 There is the opportunity to work closely with EMLC at a local level in relation to the recently launched Scottish National Action Plan for Human Rights.

4. RESOURCE IMPLICATIONS

- 4.1 The budget for the six month pilot project is detailed below. The full year equivalent would be £20,000.

DIRECT COSTS

Staff - project

Staff #1 - Salary (Full time Solicitor)	5,684
Staff #1 - Employer's national insurance	625
Staff #2 - Salary (Full time Admin Officer)	1,494
Staff #2 - Employer's national insurance	164
Travel & subsistence	1,332
Overhead (Administration, Postage, Stationery, Telephone, Property)	700
Sub-total	10,000

- 4.2 It is recommended that a contribution of £20,000 for the delivery of this project over a full year is made by Housing and Community Care with effect from 1 April 2014 and it will be reviewed in line with the existing procedures for externally funded agreements at that time.

5. CONCLUSION AND RECOMMENDATION(S)

- 5.1 It is recommended that members note the content of this report and approve the funding to allow the project to operate for a full financial year which will have a significantly wider impact for our local citizens.

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Approved

Name	Designation	Date
David Burke	Depute Chief Executive	25 February 2014

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Council Text Phone Number 01738 442573

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed. Where the answer is 'no', the relevant section(s) should be marked 'not available (n/a)'.

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 This report supports all outcomes in the Community Plan:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

Corporate Plan

1.2 This report supports all outcomes in the Corporate Plan:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 2.1 The financial implications of this report are as detailed in Section 4 of the main report.

Workforce

- 2.2 There are no additional workforce implications arising directly as a result of this report at this time. Ongoing work is managed within existing officer workloads.

Asset Management (land, property, IT)

- 2.3 There are no additional Asset Management implications arising as a result of this report at this time. Any new proposed developments which arise in the future will be subject to the relevant approval process at that time.

3. Assessments

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

Assessed as relevant and the following positive equality outcomes expected following implementation:

People will know where to get help from the Council
People will be provided with opportunities to influence Council decisions
There will be enhanced community involvement and inclusion

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

The proposal recommended in this paper has been considered under the Act and the pre-screening has identified that the proposal will have no environmental effects, it is therefore exempt. The reason for concluding this is that the recommendation in this report will have no direct environmental effects.

Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

No steps are required to be taken in this area.

Legal and Governance

- 3.4 The Head of Legal Services has been consulted during the development of this report.

Risk

- 3.5 Any risks associated with this proposal will be mitigated by the monitoring and reporting procedures which have been put in place.

4. Consultation

Internal

- 4.1 This proposal is supported by members of the Equality and Diversity Member Officer Working Group.

External

- 4.2 The work of the EMLC has been undertaken in partnership with a range of external organisations and this will be continued.

5. Communication

- 5.1 Promotion of the services available locally by the EMLC is available in a range of formats and languages.

2. BACKGROUND PAPERS

No other background papers were referred to in the preparation of this report.

3. APPENDICES

There are no appendices to this report.

