



LLM Clinical Legal Education

Annual Report
2016-17

LLM Annual Report

The 2016-17 academic year has been another eventful and productive time for staff and students in the Ulster University Law Clinic, which is central to our LLM programme. Reflecting on the five years since the programme began, the staff team made the decision to change the programme title from Clinical Legal Education to Access to Justice. The Clinic's thematic focus has always been on access to justice, with an innovative model of delivery through clinical legal education, namely live client work. Over the five years the programme has run the focus on access to justice has become more prominent with the result that, from the 2017 academic year, the degree is called the **LLM Access to Justice**. The staff team feel this is a better reflection of the work that is done through the Law Clinic and in the related teaching and research projects. This focus, and the design of the programme, have continued to receive considerable national and international recognition, and we are grateful for all the support that we have been given to enable us to achieve so much.

To find out how to apply for the LLM go to our website at: ulster.ac.uk/lawclinic/course-details



Casework

The Clinic is based at our Belfast campus on York Street and provides free legal advice and, where appropriate, representation to members of the public on social security and employment law problems. Casework is supervised by our employment law expert, Dr Esther McGuinness, and by our new lecturer, Joanne Clough, who also sits as a social security tribunal judge in Britain.

The Clinic opened in January 2013 and since then LLM students have provided over 4,600 hours of free legal activity in over 130 cases which have come directly from members of the public as well as on referral from statutory bodies and advice agencies. Since January 2017, students have taken 30 employment enquiries; 10 social security enquiries; and five enquiries that are out of scope for our work. Of these, students have opened eleven employment law cases, provided telephone advice on a further eight cases, and opened nine social security cases. The employment cases involved a broad range of issues including whistleblowing, violations of health and safety law, non adherence to grievance and dismissal procedures, discrimination on the grounds of age, sex, political opinion, pregnancy and unlawful deduction from salary. While some clients were represented at Case Management Discussion and supported through to final hearings, staff and students worked with other clients to negotiate amicable solutions with their employers thus avoiding proceedings at all, and to come to agreed settlements. Social security casework covered Disability Living Allowance, Personal Independence Payment and Employment and Support allowance. Staff and students worked to secure successful mandatory reconsiderations leading to DLA and ESA awards, helped clients to prepare appeal submissions and obtain medical evidence as well as representing clients at tribunal hearings. All but one employment and three social security cases have been closed, and when tribunal assistance was not available due to capacity, staff and students provided telephone advice on queries.



“Your Clinic is a lifeline for the ordinary person that has no-one to turn to. It provides exceptional advice and guidance to its clients in a manner that is easy to comprehend in simple layman’s terms. Your whole staff are exceptional individuals who act as a team for the betterment of the public and I cannot emphasise enough how important they were to me when I needed them. Thank you so much.”

Ulster University Law Clinic Client

“[You] put so much thought and effort into helping me when I needed it most and for that I will always be grateful.”

Ulster University Law Clinic Client

“It was accessible, thorough, convenient and a great place to receive advice. It was easy to approach the adviser.”

Ulster University Law Clinic Client

“I felt that everything was explained very clearly and that the advice from Esther McGuinness was exceptional. I felt very supported in her approach and professional manner. She has a caring and focused practice that is very calming and appreciated by people in my position.”

Ulster University Law Clinic Client

Casework

Students also provide advice, representation and research support to voluntary sector organisations, including Law Centre NI and Citizens Advice. The students are provided with a year long placement at the Law Centre's Legal Support Project, a pro bono initiative that trains volunteers to provide advice and representation for social security appeal tribunals. Through their placement, students access additional training opportunities and get to work alongside trained, specialist legal advisors and to contribute to the valuable work of the Law Centre:

“In the Legal Support Project we look forward to the arrival of the Law Clinic students annually who receive training and supervision in order to provide representation at social security appeals. During their placement within the Law Centre's dedicated representation service they have excelled in the opportunity to receive practical experience of guiding the client from preparation through to the outcome of the appeal hearing. Their input has resulted in multiple positive outcomes and enhanced the Legal Support Project's ongoing aim of providing access to justice through free representation.”

Owen McCloskey, Legal Support Project Manager

This year saw the launch of the Law Centre's digital guide to Personal Independence Payment appeals, an online video starring several of our LLM students to explain the process involved in disputing an entitlement decision. The resource is freely available on the Law Centre's website and will be of assistance to claimants, advisors and tribunal members.



Since 2014, students have provided additional legal support to Citizens Advice Regional Office and our placement student this year had the opportunity to work on preparations for the forthcoming Supreme Court hearing on bereavement benefits.

“I obtained a placement at Citizens Advice and was able to research the Rules of the Supreme Court. The research was fascinating and I learned a lot about the procedure for appealing. Reading through the case file was another learning experience and in addition, I drafted correspondence and spoke to the Supreme Court Registry. This placement enhanced the learning which was taking place at the Ulster University Law Clinic and allowed me to expand my learning. I am really glad that I was allowed the chance to experience this.”

Maria Therese McCann, Law Clinic student

We have continued to seek ways to engage with external organisations, and this year students were able to offer assistance to Citizens Advice in Magherafelt, Cookstown and Dungannon in their tribunal submissions on complex issues of European law and the right to reside. In addition, we have developed new networks with the legal profession, and have taken social security cases on referral from Oracle solicitors, to add to our existing networks. Finally, we have developed productive relationships with the team at Disability Action and hope to be able to support their critical work in the new academic year.



Students and scholarships

Once again we are delighted to acknowledge the amazing support from the Department of Justice and from global law firm, Allen & Overy, our scholarship sponsors. Since 2013, the Department of Justice has provided a full-fees Access to Justice scholarship, which this year was awarded to Elena Ballesteros. Allen & Overy have continued into their second year of generous scholarship provision, providing three £5,500 scholarships to Megan Brennan, Kelly White and Becca McGuigan. The support has been significant in recognising the value of the work students do, and supporting their contribution to access to justice.

“The A&O scholarship has reenergised my legal career by allowing me to take part in a course that has restored my confidence in my legal skills such as client care, negotiation and legal research. Without this scholarship I would not have had the ability to return to higher education and develop a deeper understanding of the limits on access to justice in NI, how this affects people in our society who find themselves on the sidelines of our justice system and most importantly the opportunity to represent these people and have a positive impact on their situation.”

Becca McGuigan, Law Clinic Student

“The Allen & Overy scholarship has had a massive impact for me. Through the LLM Clinical Legal Education I have secured an internship with the Law Society of Northern Ireland which I start in September. Without the scholarship and the LLM I would not have been able to achieve this.”

Megan Brennan, Law Clinic Student

Becca McGuigan and Megan Brennan receiving their LLM scholarships from Allen & Overy



“The Department of Justice scholarship gave me an opportunity to step back from the pressures of work and think critically about issues of social justice. It has cemented my understanding of the problems social security claimants face and the type of help they need. I am very grateful for the experience as it has confirmed that the path I want to follow is to continue to be involved with welfare and social security issues. I am fortunate to have been offered a job at the Law Centre NI where my experience at the Ulster University Law Clinic will inform and contribute to my work”

Elena Ballesteros, Law Clinic student



Elena Ballesteros, recipient of the Access to Justice Scholarship, sponsored by the Department of Justice

LLM Access to Justice students are integrated into the ethic and values of pro bono working, both within the Clinic and on placement in voluntary sector advice organisations. Our scholarships and broader stakeholder support allows us to develop student capacity in social justice lawyering: a recognition that legal education, training and practice entails a responsibility to others which goes beyond (though complements) personal fulfilment.

Our graduates have continued to secure professionally relevant employment or move to further academic study. This includes three of our 2016 graduates being appointed as welfare rights advisers within the advice sector, one graduate taking up a paid research internship with the Law Society and the remainder moving into private legal practice in the UK and Europe. We are

proud of the work that our graduates do and delighted that the legal profession values the outstanding work experience that our students acquire.

Dr Esther McGuinness with some of our LLM graduates, Class of 2016



Justice innovation

Awards

The LLM Access to Justice has been built on innovative approaches to legal education focused on access to justice, and has received national and international recognition from the outset. Existing awards have covered all areas of our work, from teaching and outreach, to our placement programme and community partnerships, to our contribution to pro bono and justice innovation.

This year, we were honoured to receive the Postgraduate Course of the Year 2017, awarded by Gradireland as part of the Higher Education Awards. This is an all-Ireland award that recognises innovation in course design and delivery and reputation among stakeholders. The judges concluded that: “The model for the programme is based on unmet needs from research. There is significant evidence of external recognition of the course at both domestic and



Professor Gráinne McKeever and Dr John McCord accepting the award for Postgraduate Course of the Year at the Higher Education Awards

international level, in addition to a growing corporate reputation. There is strong testimonial evidence from a range of stakeholders.”

Research

Research is a core activity for the Law School and in the most recent national Research Excellence Framework which determines the quality of research at all UK Universities, Ulster University Law School was ranked 4th overall and 1st for research impact out of 67 Law Schools in the UK. The Clinic provides a unique opportunity to generate research outputs and associated grant income for related justice innovations that focus on the practical implications of, and solutions to, a range of access to justice problems. Some of the research grant awards to Clinic staff, in association with other staff across the University and beyond include research on social security, personal litigants, policing and security, and housing:

Commission (£10,000) to establish how the Scottish Government’s objectives of ‘dignity and respect’ can be embedded within the devolved social security system. The report on Social security systems based on dignity and respect was published in August 2017 and presented to the Scottish Social Security Committee in September 2017.

Dr Mark Simpson



Social security

Dr Mark Simpson, working with Professor Gráinne McKeever and Professor Anne Marie Gray (Social Policy) was commissioned by the UK Equality and Human Rights

Personal litigants

Professor Gráinne McKeever, Dr Lucy-Royal Dawson, Dr Eleanor Kirk and Dr John McCord are now into the second year of Nuffield Foundation funded research on litigants in person within the NI court system (£222,000). Working in partnership with the Northern Ireland Human Rights Commission, the project has interviewed or observed 180 litigants in person in civil and family proceedings, and completed interviews with over 30 members of the legal profession and the judiciary. The research has also completed the experimental phase where personal litigants in family proceedings, in family homes and domestic violence hearings and in ancillary relief proceedings were given free procedural advice on how to present and progress their cases, working with a caseworker at the Commission. The project is due to report in April 2018, to provide a reference point for personal litigant experiences in Northern Ireland, creating a road map of practical support for litigants.

Justice innovation

Policing and justice

Dr Esther McGuinness and Dr John McCord are working with criminology and procurement colleagues on a Horizon 2020 ASGARD project (€575,000) that aims to create a community of EU wide Police Services and technology players, who will work together to develop innovative forensic analysis tools to ensure that high-volume data exchange is effectively policed. As part of this research, Esther sits on the Societal, Ethical, Legal and Privacy Panel of the ASGARD project. John works with colleagues in criminology and computer science on a number of the work packages and deliverables.

Housing

Dr John McCord is currently involved in a number of housing research projects which include access to justice related issues. This includes £6.4 million for a UK Collaborative Centre for Housing Evidence (CaCHE) funded by the Economic and Social Research Council, the Arts and Humanities Research Council, and the Joseph Rowntree Foundation; a Housing, Rent and Affordability Project (NIHE, £300,000); and a DAERA Research project on Land in NI (£48,500).



Dr John McCord

Seed funding was also awarded to Dr Esther McGuinness and Professor Gráinne McKeever by the University's Centre for Flexible and Continuing Education (£2,000) to develop housing law expertise in the Clinic. The funding was invested in training from Housing Rights and supporting staff and students to achieve Level 3 OCN in the Housing Advice Training Programme. Our thanks are due to Housing Rights staff for the wonderful training we received.

Dr Mark Simpson and Professor Gráinne McKeever were also on the forum established by the Chartered Institute of Housing which published the report on *The Impact of Welfare Changes on Rented Housing in Northern Ireland*. The report was launched in July 2017 at Stormont with the All Party Group on Housing.

Justice initiatives:

The Clinic hosted the Northern Ireland Assembly's Communities Committee in September 2016 and Dr Mark Simpson ran a seminar for the Committee on 'A new welfare state', producing a report identifying the issues raised in the seminar on social security, housing and child poverty.

2016-17 also saw the opening of the Ulster University's new Legal Innovation Centre and LLM students had the opportunity to work on visual law projects with Dr Catrina Denvir, the Centre's Director. Students worked in partnership with Ulster design students to provide animated videos and posters on bringing a claim to an Industrial Tribunal, using social media in a work environment, and workplace flexibility. The videos are available on youtube at <http://bit.ly/2hRK31e>



Our visual law project on employment tribunals

Professor McKeever has been invited to give evidence to the Scottish Parliament's Social Security Committee on social security devolution and oversight, as the Committee considers how Scotland might best use its newly devolved powers of social security.

Professor Gráinne McKeever



Teaching developments

For the first time, we have developed a housing law module which the 2017 student cohort will take. This is designed to increase the potential for students to move into additional areas of work, both within the clinic or on placement, and in future career choices. We look forward to working with Housing Rights to support this development.

Building on strong networks developed through the LLM, Dr Esther McGuinness has joined forces with Legal-Island and the Labour Relations Agency to develop a new Postgraduate Certificate in Northern Ireland Employment Law and Practice. The course includes employment law and compliance lectures from the cream of Northern Ireland's expert practitioners, as well as training on Alternative Dispute Resolution and Tribunal Representation with on-site visits and role-play exercises with Labour Relations Agency staff and the President of Industrial Tribunals and the Fair Employment Tribunal. The PG Certificate will run alongside the LLM Access to Justice, and those Certificate students wishing to progress to the LLM will receive exemptions for the employment-related modules.

Dr Esther McGuinness

Looking forward

We extend a warm welcome to our new colleague, Joanne Clough, who joins us from Northumbria University. Joanne is responsible for leading on the social security casework in the Clinic and supporting the development of our networks here as well as delivering skills based teaching, drawing on her extensive experience of clinical legal education. As a part-time judge in the First-tier Tribunal, Joanne also brings an invaluable insight into how the social security system works and we look forward to building on her unique skill-set to develop the Clinic.



*Joanne Clough,
Lecturer in Law*

We will be launching the findings and recommendations from our Litigant in Person research in May 2018. In partnership with the Northern Ireland Human Rights Commission, we will be hosting a public conference to discuss the research and to identify the way forward for supporting litigants in person in the Northern Ireland court system.

And finally, we are looking forward to the University's Distinguished Service Awards ceremony where our Clinic Administrator, Beverly Coulter, is being honoured for her outstanding contribution to the work of the Clinic. Beverly joined the Clinic in January 2016 and has been a dedicated, diligent and inspiring colleague from the outset, making a direct and positive contribution to the effective and efficient delivery of Clinic services. We are so proud of Beverly's achievements and look forward to celebrating her award with her in the new academic year.

Further information is available at:

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