

## Meeting 3

### **An ethnography of advice: between market, society and the declining welfare state**

**Team meeting – 20<sup>th</sup> November 2015**

**Attending: Anna Tuckett, Matt Wilde, Tobias Eule, Ryan Davey, Insa Koch, Deborah James.**

#### **Anna Tuckett:**

Anna: I'm attending life in the UK/ESOL classes provided by a for-profit organisation in Tottenham where they were happy for me to sit in. People pay £200 pounds to do 12 hours where they teach a syllabus that includes Stonehenge to the current British system, including politics, law, and history. In practice they go to as many classes as they need. I'm going to do an interview with the man from Ghana who teaches the classes. Conversation often slips into immigration matters and it's particularly interesting when the subject touches colonialism and slavery and people participate quite actively. I'm still trying to get a sense of what is going on and the place in general.

On Mondays, I go to the Refugee and Migrant Forum of East London in Ilford which provides free advice about immigration, benefits, jobseekers etc. I'm finding it a bit boring as sometimes there's not that much to do. On the whole it's quite good as it gives me a context and helps me understand the legal framework. My role is definitely as an adviser. One of the issues I face is that, confronted with some of the cases I deal with, it would be inappropriate for me to push my research. I will use these stories as case-studies. I find filling in the forms quite stressful and asking very personal questions makes me uncomfortable. My main challenges are: how useful is the Refugee Forum as it's quite similar to my PhD, and in the case of the second place, I need to get more out of it. I feel it's just a matter of time, I'm planning on following up with some of the people I meet in the classes and Daniel, the teacher.

Tobias: Are there big differences between the system in Italy and here in the UK?

Anna: No, except the quality is much better. The UK organisation is run by very caring, energetic and politically-engaged people, in Italy people seemed to care less.

Insa: Is there any difference in terms of clients between the profit and not-for-profit organisation?

Anna: They are going for different reasons. In the Tottenham organisation, they are all getting indefinite leave to remain or citizenship which is why they are doing the test. They are in a much better position. The people who go to the Ilford organisation are often on the brink of destitution.

#### **Matt Wilde:**

Matt: I have three sites that interrelate in good ways. One is this organisation Advice4Renters, an NGO in Kilburn which provides housing advice funded through legal aid. It largely deals with benefit claimants who face eviction from property or are found intentionally homeless by the council, which often involves councils offering properties outside of London, which people then turn down.

I have been given cases, I'm learning the laws pretty quickly and I'm witnessing repeated patterns of issues and council responses. The question is what happens to people outside of

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the organisation, when their reviews are rejected by the council. Most people aren't going to accept a property outside of London. Once I feel more confident I will ask people if I can accompany them and find out what happens in those cases, and perhaps compile a report for the organisation.

My second site is in Barnet with housing activists. There it's mainly council tenants evicted as part of a huge regeneration scheme where they have done two compulsory purchase orders on two of the big council estates. One of the estates, Sweets Way, is gone, I'm working with two others. I'm getting to know the organisers there. They have a community organiser who has been collecting what they call 'listensings' from the local community so I am going to help collate those. The third one is Hackney Renters which is a private renters group. They are involved in creating a private renters union. They also do advice and support sessions and twice a month meetings that are partly about campaigning but also deal with individual housing problems.

Quite a good balance between council, private and grassroots, inner and outer London.

### **Ryan Davey**

Ryan: I haven't started my fieldwork yet. I've been reading around and trying to identify where I could do supplemental research drawing on my PhD material, or whether I want to do something completely new. There are two avenues I would like to explore. Firstly, the relation between market and welfare, or between debt collection and debt advice and how these kind of advice blur. Secondly, the relationship between advice and distrust.

For the first, I want to do interviews with people who work in advice and debt agencies. One thing that has come up is the recent history of the voluntary sector in the UK and how debt advice ties into it. I have been thinking about debt advice responding to consumer credit but actually some really big changes happened in the voluntary sector in the 80s, which is when debt advice services emerged, and I think it's to do with the professionalization of the sector and the decline of lobbying forms of engagement with the government. I'm interested in how the professionalization of the voluntary sector has happened in tandem with this depoliticised approach. I want to talk to people who work in managerial positions in these organisations and those that get their funding outside of government.

With the second part, I am mainly thinking about what trustworthy advice is, what a trustworthy client is and when do you need to be more sceptical. There's a sense that advisers often think that clients are lying to them. I'd be looking at advice not always relying on trust, and at distrust not always being negative to advice. For that, having an institutional placement isn't going to be very useful. I will go to Plymouth for a couple of months and do more community-based fieldwork and use material from my PhD field notes.

### **Tobias Eule:**

Tobias: I haven't done a lot of fieldwork because I have been teaching but I have gone to conferences and meetings and I've become aware of these new modes of advice I want to look at. One of the main problems is that I could do some research in Switzerland but I'm not sure that makes sense because that's looking at yet another country.

I'm still interested in Germany where two things are happening. Firstly, the state institutions are trying more and more to venture into an advice situation. I went to a big meeting with immigration officers and one of them said 'we are now competing for private funds to provide advice because we can do it much better than NGOs'. Secondly, there's a

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mushrooming of law clinics in the last few years, where students are trained in subjects related to human rights and immigration, and are giving advice in these clinics. The question is, are there fewer volunteers in classic advice situations because students can now do it as part of their curriculum?

In Switzerland, I have randomly found two organisations I could do fieldwork with. The Swiss Refugee Council, one of the oldest refugee support organisations in the world. It's funded exclusively by big NGOs to act as both a political spokesperson but also as a leading legal interpreter. They give legal advice themselves but they also provide legal knowledge and opinions for NGOs to base their advice on. The other organisation is much smaller, it's an advice centre for irregular migrants, but I could do some research there. That might be quite useful.

Deborah: Are lots of refugees arriving in Switzerland?

Tobias: They are focusing on everyone who has an irregular status, if you don't have any legal right to remain you are asked to leave, and if they manage to deport you they deport you. If they aren't deported, most of them are relinquished, off the mark in terms of welfare. They get this thing called emergency funds, which is the same thing a homeless person would get. There is nothing regular in that.

Anna: In Germany the State wants to get involved with NGOs but isn't a lot of the work the NGOs doing challenging state decisions?

Tobias: The Council Officers are trying to be on better terms with the NGOs, they would like to have a better relationship and avoid things getting into the press, which is what has been happening in the last 10/15 years.

Ryan: What are the stories they don't want to go to the press?

Tobias: The immigration officers know that they will make 'wrong' decisions once in a while i.e. they are bad at interpreting the information they get. They usually don't lose cases, but they come to settlements in court. Because of that, they prefer not to be blamed in the press because it makes them look bad.

### **Deborah James:**

Deborah: I have also been teaching this term but I tracked down some of the advisers who I have been looking at in this organisation Social Action for Health who have been running surgeries in different parts of London funded by a variety of streams of funding. It struck me how quickly things change. In one case, the person had been evicted: you need to be called 'homeless' to be rehoused. It becomes strategic. Homelessness actually means being evicted from one place and relocated somewhere else.

What struck me in the cases I witnessed, is the focus on catching one little detail that could then have a huge knock-on effect in a whole variety of areas. The advisers are having to spot what's actually going on. There a sense of these momentary interventions that require a huge amount of skills. They also have to school people in the right way to behave.

So there seems to be an arms race going on, the benefit changes come in, and if the adviser doesn't make an intervention at the right time then all entitlements will come to an end. These advisers are building up an arsenal of responses to these changes, schooling people in

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the right way to behave. Only if you behave in this specific way will you be successful and get your benefits reinstated.

The other thing I gathered from these meetings is that so much of the money that is flowing in and out of these peoples' possession is not money at but 'payments'... tax payments going to the council, mandatory debt coming in and being immediately sent to somebody else, there is no concrete money. For these people payments involve transacted items that aren't actually commensurable.

Tobias: This behaviour side of advice is really interesting... It's not just about setting up a legal situation or a strategy for action but also a strategy of behaviour. How do you prioritise, but also how do you present yourself in writing, filling out forms, going to certain places and strategies for getting on the better side of officials and making your case credible?

### **Insa Koch:**

Insa: I haven't really gotten far in thinking through things but I am rethinking my project a little bit. My initial plan was to work on litigants-in-person, but as some people I know remarked, this is going to give me a skewed idea of how the justice system works and is not the best lens on legal aids cuts, because people who represent themselves in court are often quite eccentric. I'm thinking the best way to understand how some of the legal aids are impacting people who have serious judicial disputes is to work in a legal firm. Also, in the UK, more and more students are getting drawn into these university pro-bono courses that get accredited and they are giving a lot of legal advice in addition to the legal firms. The legal aid cases that these firms turn down get channelled into the pro-bono sector.

Anna: The chain Duncan Lewis seem to take on lots of these legal aid cases.

Insa: A lot of young lawyers are leaving the sector because they can't handle the emotional burden of turning all these cases down.

Deborah: This is what was happening a few years ago in the law centres, trainee lawyers were working in Law Centres but were all having to burn the candle at both ends. Empathy was getting stretched.

Insa: Another thing I want to mention that is completely unrelated but I think is a fascinating topic: I have come across through one of the visiting fellows here, who is a human rights barrister, all these ISIS cases. I sat in on one... basically kids who get radicalised and go to Syria and get picked up and prosecuted. One of the interesting things is, where do the *judges* get advice from? They are meant to apply the law but there is no law about what it means to be radicalised. These judges are the makers and enforcers of the law but they are completely at a loss. Where do they get advice from and is this something we should be considering in any capacity?

Deborah: Same thing was happening in South Africa when they brought in the new debt guidelines. None of the magistrates were willing to put it in place, no one had trained them and they were in any case quite-low level people. They referred to this one magistrate's office which had some experience implementing these reforms, and took that as their guideline.

Tobias: Is the problem the fact that there is no legal precedent or lack of information? I sat in quite a few cases where citizenship was being denied because of terrorism and leave to remain was denied. The judges got really angry, because the critical information on which

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this denial was based wasn't available, because they didn't have clearance, so the judges couldn't see if it was a fair claim or not.

Insa: It sort of begs the question of where the people who are supposed to give advice get advice when they have a lack of information or access to resources.

Deborah: This related to something I have noticed. The people I have been tracking all have different forms of training. One person had learnt on the job. Another had a book she referred to.

Insa: Another thing I find interesting... in this country law is essentially, historically, a vocational profession. Only in the last 30 years has it become a more academic subject, so a lot of what we are describing is probably how lawyers have worked and how the legal system was understood to work. It's only with the more recent intellectualisation of law that we have come to think what is happening is weird - but that's actually how the law works.

Ryan: I came across that in Plymouth where, in the case of immigration, people panicked when they didn't know where to look. In the case of consumer law, there was a website where they could look...

Anna: In the case of immigration you face some strong penalties if you give wrong advice...

Deborah: When we went to the CAB meeting in Bristol, they made a point that 'they don't give advice but information' because advice is considered contractual and you can be held liable.

Matt: Where I'm working the caseworkers *are* giving advice... and it is called advice.

Ryan: The caseworkers don't have to be legally trained. The organisation needs to have a licence to give advice.

Tobias: There has always been a level of lay interpretation of law and any type of legal documents through non-professional caseworkers in advice situations.

Deborah: For example the people who work in Jobcentre Plus are often poorly trained and their decisions get challenged.

Anna: And sometimes lawyers give bad advice as well.

Ryan: It's interesting how you get people who play by the book and others who are more informal.

Deborah: I sat in on this consultation where this one guy wasn't playing 'by the book', instead he improvised: he phoned someone in the council about his case and tried to find out information from him directly...

Tobias: This highlights the adversarial or non-adversarial relationship between advice givers and decision makers: because if you get your information from the people who make the decisions...

Matt: I would like to get some access to councils or even to interview managers because with housing everything is always down to the council.