

Funding Guidelines

2021



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1. About the Strategic Legal Fund

The Strategic Legal Fund (SLF) for migrant groups in the UK is a fund to support legal work in the UK that goes beyond securing justice for an individual and makes a significant contribution to law, practice and procedures to **uphold and promote the rights of asylum seekers, refugees and migrants** more generally.

The SLF aims to tackle injustices and inconsistencies in law and practice that disadvantage or discriminate against asylum seekers, refugees and migrants as a result of their migration status.

2. About the SLF partners

Trust for London is an independent charitable foundation tackling poverty and inequality in the capital. It has a long history of funding work to overcome the additional barriers faced by migrants living in poverty in London.

www.trustforlondon.org.uk

Esmée Fairbairn Foundation is one of the largest independent grant-makers in the UK. It makes grants towards a wide range of work within the arts, education and learning, the environment, and social change.

www.esmeefairbairn.org.uk

Unbound Philanthropy is a private grant-making foundation dedicated to ensuring that migrants, refugees, and their families are treated with respect and dignity and are able to contribute fully in their new communities. It provides part-funding for the running costs of the SLF and is part of the management group.

www.unboundphilanthropy.org

Joseph Rowntree Charitable Trust is a Quaker trust which seeks to transform the world by supporting people who address the root causes of conflict and injustice. It funds work to promote human rights, racial justice, democratic and corporate accountability and challenges militarism as well as developing sustainable alternatives to climate change.

www.jrct.org.uk

Paul Hamlyn Foundation is one of the larger independent grant-making foundations in the UK. Its mission is to help people overcome disadvantage and lack of opportunity, so that they can realise their potential and enjoy fulfilling and creative lives. It has a particular interest in supporting young people and a strong belief in the importance of the arts.

www.phf.org.uk

The **Expert Panel** comprises legal practitioners and policy specialists with expertise in areas of law relevant to people discriminated or disadvantaged by their migration status. It makes recommendations to the funders about individual grant applications and advises on the strategic direction of the SLF. A list of current Panel members is at <http://strategiclegalfund.org.uk/about/expert-panel/>

3. What the SLF will fund

Beneficiaries

The SLF supports strategic legal work in the UK which benefits asylum seekers, refugees and migrants. We define this as those:

- Who are living in poverty, and
- Who face significant disadvantage or discrimination in connection with their immigration status.

Areas of Law

The SLF funds strategic legal work in any area of law where asylum seekers, refugees and migrants experience disadvantage or discrimination as a result of migration status. This includes (but is not restricted to) potential cases in the areas of:

- Immigration
- Asylum and asylum support
- Human rights
- Education
- Housing
- Welfare benefits
- Discrimination
- Access to justice
- Community care

We do not usually fund work involving issues of criminal or family law unless they also involve one of the above issues.

The SLF may from time to time issue calls for applications in certain areas of law, or on particular points of law, which will then be given priority. Information about calls will be publicised on the SLF website.

Types of activity

The SLF only supports strategic legal work in the UK. We define this as work where the impact is likely to go beyond an individual case, and to result in changes to law, policy and practice that will benefit a wider group of people.

Applications must be to fund one of two kinds of strategic legal work:

- the research and development of cases pre-litigation including: gathering evidence to test a hypothesis or research to establish authorities' policy and practice, identifying potential plaintiffs/applicants/appellants; researching whether to proceed; translating relevant material; and evaluating a litigation

strategy. The SLF cannot be used to fund the costs of conducting litigation, it is limited to pre-litigation work only. A small proportion of an application may be used for advice, and for representation in the First Tier and Upper Tribunals where no other funding is available and where this is necessary to develop a strategic legal challenge.

- third party “interventions” in existing cases, which allow a non-party intervener to assist the court in arriving in its decision in a case, acting as an *amicus curiae*, a friend of the court. Funds can be used for evidence-gathering, instructing counsel, preparing the application for permission to intervene. We ask that you have notified the parties that you intend to intervene before submitting a proposal to the SLF.

Please note that the SLF ONLY funds research that is tied to the possible future taking of legal cases. It does not fund general research, advice provision or campaigning work. See page 8 for application criteria and exclusions.

We recognise that some research and interventions may not lead to the desired legal outcome, but will only fund those where we believe that those undertaking the work have sufficient expertise and experience to maximise the chances of success. In your request for funding, name the counsel and legal team where possible.

We fund research and interventions that are likely to benefit people who fit the definition above. Some research and interventions may have a wider or even different focus, and we do consider funding these, but only if we are convinced that the outcome will substantially benefit people disadvantaged or discriminated against because of their migration status.

Who we will fund

Those eligible to apply to the SLF are organisations based in the UK which are:

Not-for-profit (NFP) organisations that provide specialist level legal advice to people discriminated or disadvantaged by their migration status. If you work for a NFP organisation regulated by the Office of the Immigration Services Commissioner (OISC) and are applying to undertake work in the asylum or immigration field, you must confirm that staff leading on the proposed work are accredited at Level 3, Advocacy and Representation, in the relevant category of law.

Firms of solicitors that provide specialist level legal advice to people discriminated or disadvantaged by their migration status. Solicitors’ firms need to demonstrate that the funded work does not include any element of profit and, as for all applicants, that there is a pro bono element included.

All applicants must demonstrate that staff has appropriate skills, experience and expertise to undertake the strategic legal work proposed. All applicants are asked to provide supporting documents with their application, for example annual accounts, governing documents, or other financial information.

The SLF welcomes applications from specialist legal representatives working in partnership with voluntary and community groups, who may be able to assist with research, gathering evidence and identifying clients. This type of application should be made by the legal representative with the other organisation(s) being sub-contracted to do the work at an appropriate rate.

Please note that organisations may be in receipt of multiple grants simultaneously. This is because the SLF does not want to deter organisations from applying that would be best suited to carry out the work.

4. Funding available

Size of grants

Maximum funding for any one application will be £30,000 but, in view of the limited funding available, lower applications are encouraged. The average grant size is around £12,000. You need to demonstrate that your application represents value for money. Grants may be approved for a lesser amount than requested.

Length of grants

The SLF aims to complement longer-term funding with short-term grants to respond to legal opportunities. The maximum grant length is 12 months, and most grants are for six months or less.

Eligible costs

The SLF will cover any reasonable revenue costs that you will incur to undertake the proposed pre-litigation research or to prepare a third party intervention. This includes temporary staffing, freeing up or extending existing staff hours, volunteer expenses, travel and subcontracting with other voluntary and community organisations.

The SLF is intended to generate new resources for strategic legal work. We therefore fund new or additional costs and capacity, rather than contributing to an organisation's existing expenditure. However, a contribution to overheads may be included.

Staffing costs should reflect their real costs to your organisation and be no higher than appropriate legal aid rates. If work is costed above legal aid rates, then please explain why. For more information about what legal aid rates the SLF accepts, please contact the project manager.

We expect the elements in the bid that include private sector to be provided pro bono - this is not required by not for profit organisations. Please describe and cost any pro bono input to the application, estimating how much pro bono time will be spent on the project and by whom. Please note that work at legal aid rates or above is not considered to constitute a pro bono element, given that this is deemed a 'reasonable fee' in the professional codes.

5. Application criteria

In making recommendations about funding, the Expert Panel will take into account:

- That the legal issue has the potential to significantly impact people disadvantaged or discriminated by their migration status,
- The potential to advance the general principles of the Universal Declaration of Human Rights,
- Whether alternative funding may be available for the proposed work; and whether the applicant has applied for such funding.
- Whether the applicant has had previous funding from the SLF.
- Whether they consider there to be a real prospect of success if and when a claim is brought before a Court.
- Any priority areas of law or points of law which they have decided, in agreement with the funders, to prioritise and which have been publicised as such.
- Where applications that raise the same or similar legal issues are considered at the same Panel meeting, and the Panel decide the criteria for funding are met, then funding will be awarded considering the following:
 - (i) where the work outlined is most likely to have the desired outcome.
 - (ii) the staff who would work on the project are deemed to have the most relevant experience and skill.
 - (iii) where the application is for an intervention, which case is strongest on the facts and which case is or is likely to be listed in court first.

Exclusions

In general, the SLF will not make grants where:

- Funding is sought for pre-litigation research on an issue where work is already in progress by other legal representatives.
- There is an unreasonably low prospect of a positive outcome for migrant groups.
- The funding will not produce any significant positive change to the rights of vulnerable asylum seekers, refugees or migrants in the UK.
- The applicant is based outside of the UK. Partnership applications where the lead partner is based in the UK may be considered.
- It is judged that the goals of the application may be more successfully achieved through an alternative route e.g. policy work.
- Organisations have already received two grants from the SLF in the last 18 months, except in exceptional circumstances.
- Organisations are in serious financial deficit.

- Not-for-profit organisations have significant unrestricted reserves (including designated funds). Generally, reserves up to the equivalent of six months' expenditure is acceptable.

6. How to apply

1. Read the funding guidelines

Please read these funding guidelines carefully to check whether your proposed work fits with what the SLF is able to fund. Please check on our website to see if you are reading the latest version of our guidelines.

2. Any questions?

If, after reading these funding guidelines, you are in doubt as to whether your work fits or would like to discuss an idea for an application then please email the Project Manager on claire.tindale@ilpa.org.uk

3. Complete our application form

To apply to us you need to complete our application form. Please note the application form looks slightly different for third party intervention proposals.

Supporting Documents: You must provide a copy of your organisations annual accounts. Please also provide links to or copies of any cases, legislation, policy or reports you are relying on in your application. Not providing these documents could result in a delay in processing your application.

You will receive acknowledgement once you have emailed your application form to us. If you have any problems completing your application please contact us.

To access the application form, you need to contact the Project Manager and outline your request for funding. If you meet the eligibility criteria (outlined on page 5-8) you will be emailed our application form in a Word format.

4. Closing dates

There are closing dates for applications roughly every two months. The list of dates is on the SLF website.

Applications must be received by 5pm on the closing date. Applications received after the deadline will not be considered until the next closing date.

5. Processing your application

The Project Manager will check all applications to ensure they are complete, valid and meet the eligibility criteria. The Project Manager will contact applicants if further information is needed and, where possible, to discuss and check the details of the application.

6. Expert Panel

All eligible applications received by the deadline will normally be considered at the Expert Panel meeting. A minimum of three Expert Panel members will consider the applications and meet to agree recommendations for funding. Where there are conflicts of interest, Expert Panel members will not be involved in assessing the relevant applications.

7. Application decision

Following the recommendation from the Expert Panel, the ILPA decision making panel will make the final decision on whether to award a grant. You will normally hear within four weeks of the closing date whether or not the SLF has offered a grant to your organisation.

8. Contact details

Claire Tindale, Project Manager
Strategic Legal Fund
Immigration Law Practitioners' Association
Lindsey House
40 - 42 Charterhouse Street
London
EC1M 6JN

e: claire.tindale@ilpa.org.uk
www.strategiclegalfund.org.uk

7. What happens next?

If your application is successful...

- You will receive an offer letter, with details of the conditions attached to the grant.
- If you wish to accept the grant offer, you will need to return a signed copy of the conditions form within two weeks.
- A short description of the purpose of the grant awarded will be listed on the SLF website. The Project Manager will agree this wording with you.
- With your offer letter, you will also receive instructions on how to claim your grant. If the grant is for up to £10,000 or no more than three months' duration, it will be paid in one instalment. If it is for more than £10,000 **and** for more than three months, the grant will be paid in two instalments.
- For third party interventions, we pay the grant in two instalments; before and after permission to intervene has been granted. Please note you can amend your application if needed post-permission.
- If your grant is for longer than three months, we will ask you to answer some short monitoring questions at the half-way point. At the end of the grant, you will be expected to complete a short report about what you have been able to achieve with the funding. Full details of the monitoring and evaluation requirements will be sent with your offer letter and are also available on the SLF website.
- As part of the conditions of your grant, you will be asked to share the evidence arising from your work, where this will not prejudice future legal action. The Project Manager will discuss with you the best way of presenting and storing this evidence, with due regard to confidentiality.

The SLF may accept extension applications for work that forms a progression to a previously funded piece of work. Please discuss this possibility with the Project Manager.

If your application is not successful...

- You will receive detailed, individual feedback on your application by letter.
- If you wish to apply to the SLF again, you will usually need to miss a funding round.
- The SLF welcomes repeat applications. If you would like to re-apply for the same piece of work, re-applications must demonstrate that account has been taken of the reasons for the previous refusal.

8. Complaints

We sometimes get things wrong. If you have any complaints about how we've handled your application, you should in the first instance contact the SLF Project Manager. We'll try to rectify any problem or misunderstanding.

If you're not satisfied you should write to our Chief Executive who is responsible for the management of the Fund. If the complaint is regarding our Chief Executive, you should write to the Chair of the ILPA Trustees. However, please note that you cannot appeal any decision made by our Trustees about whether or not we fund your organisation.

Any complaint you make will not jeopardise your funding application or any future application to us.