



“They actually listen to us now. They know the voice of lived experience is so important.”

Claimant interview
28th June 2021



Against Persons Unknown: A case study on the use of law by self-organised groups

Evaluation by Independent Learning Partners

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Public
Law
Project

Acknowledgements

Public Law Project

The Public Law Project (PLP) is an independent national legal charity. Its mission is to improve public decision making and facilitate access to justice. PLP work through a combination of research and policy work, training and conferences, and providing second-tier support and legal casework including public interest litigation.

publiclawproject.org.uk

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Images

A silent walking exhibition of the Absence of Evidence images in Hull City Centre on 14th July 2020 at 2pm, as part of a collaborative project between the artist duo Henry/Bragg and An Untold Story – Voices.

www.henrybragg.com

anuntoldstory-voices.com



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Executive summary



This case study sheds light on the unique experience of a group of women who used the law to remedy injustice in their local community. The group, An Untold Story – Voices, based in Hull, challenged the use of quasi-criminal enforcement powers against sex workers in a designated area of the city. The enforcement powers were widely targeted against “persons unknown” but in practice were only used against sex workers in the city. Relying on expert evidence of harm caused by the local council’s enforcement regime, they pursued a legal challenge together with The Public Law Project (“PLP”) and achieved a successful settlement.

This report addresses the following research questions:

- Who was involved in pursuing the legal intervention?
- What were the main challenges at different stages and how were they overcome?
- What forms of explicit and implicit collaboration emerged over the course of the intervention?
- What were the outcomes of the case?
- What systemic change can be described as arising from the case?

Data gathering took place before, during and after the case. It included analysis of key documents in the case, desk-based engagement with relevant academic literature, close reading of client feedback documents, analysis of 14 semi-structured

interviews with 10 research participants including solicitors and counsel for the claimants, two claimants in the case, an academic expert and those involved in helping to foster engagement following the case.¹ Data gathering also included periodic in-depth reflective interviews with the lead lawyer for the claimant throughout (i.e. before, during and after the decision) to capture strategic decision making at different stages.

The objective of this report is to extrapolate key lessons for similarly situated claimants (self-organised communities and collective groups of individuals), public law decision makers (local authorities, the police etc), funders, lawyers and wider civil society organisations.

■ Key lessons

For groups and communities

Think carefully about the most appropriate ways to influence decision-makers. It is important to work out what the best possible options and routes to influencing are. Influencing decision-makers can include lobbying or campaigning and it can also include litigating. Knowing litigation is even an option often requires past experience and resource. The decision to litigate is not straightforward and involves significant risk. Making decisions on whether to litigate can be particularly challenging for self-organised groups given the lack of legal identity and corporate structure.

Explore different ways in which to include as many people as possible in key decisions about the case. Litigation moves quickly but you will need to build in time to communicate regularly and update interested stakeholders on developments that are relevant to them. It may be useful to determine in advance what the communication channels might look like. It is also worth making your lawyers aware at the outset that this is important to your group.

Gathering evidence in preparation for litigation can be time consuming but helps to develop impactful long-term partnerships. Quality evidence about the experience of law or a policy when put into practice is fundamentally useful to courts and to public authorities. Collaboration in evidence gathering can be helpful in determining what to measure or evaluate. Down the line, continuing to gather evidence can demonstrate whether the legal challenge and any subsequent policy changes have made an impact. For organisations working at a local level, the evidence gathering process can also provide connection to national level organisations and create meaningful partnerships for the future.

Think flexibly about communications. Depending on the type of issue or case communications may be proactive and wanting to highlight or raise awareness of an issue. Other cases might require a more nuanced or responsive approach.



Managing relationships is challenging in adversarial processes. Launching adversarial proceedings impacts upon the nature and quality of relationships between decision-makers and those impacted. Taking legal action can improve a group's position with their legal adversary. Decision-makers can place more weight on the group's requests if they know they will use litigation leading to the group being invited to discussions in future (i.e. 'gaining a seat at the table'). Engaging in litigation can also lead to a heightening of tensions and hostilities, which can be further exacerbated by the parties' lawyers' approaches in litigation. Thinking through how to manage both scenarios at the outset can be helpful. Relying on legal counsel can help to take out some of the emotion of the process.

For public authorities

Litigation is a measure of last resort. It can be avoided when public authorities find ways to make lawful decisions first time around. Involvement in judicial review proceedings can be costly, stressful and time consuming for all sides. Proper and meaningful consultation, as well as thorough and fair decision making can go a long way in ensuring that litigation is not resorted to. For example, consider establishing diverse forums to allow groups and individuals that will be affected by policy changes to meaningfully engage with discussions throughout the decision-making process. Think inclusively by considering whose voice needs to be heard.

Ensure that decisions impacting upon protected groups are documented and recorded. Public sector decision making should not take place in a vacuum. It is imperative that key decisions that impact upon people's lives are considered in the round, and there is a good record of all the factors considered and the decision. It is particularly important that the decision-making is transparent and communicated promptly to those impacted. Decisions should be communicated in accessible and diverse ways. Be mindful of how different forms of communicating decisions may have implications for groups that are vulnerable to certain types of harms, e.g. those that might be subject to hate crime.

A constructive litigation settlement process can lead to positive knock-on impacts for relationships between those with lived experience and a range of public sector actors. In this case, the settlement gave the group a seat at the table in relation to issues that would affect them in future. By raising awareness, it also led to more positive engagement in other areas including housing, domestic violence and healthcare service provision.

For lawyers

Working with self-organised groups requires a different approach. Issues around who in the group is placed to give instructions, who is in a position to litigate, whether any potential conflicts may arise and how they might be dealt with, how decisions are taken and how instructions and advice can be exchanged, are all in



question and require additional attention and thought from the outset. Attention also needs to be paid by the client and the group to navigating the potentially varied interests within a group. It will help everyone if clear lines of communication and good decision-making systems exist within the group. Without prior experience of litigation, a self-organised group won't appreciate the challenges that litigation may throw up for them. Lawyers need to flag these at the outset.

Be patient. Working with self-organised groups presents different challenges to working with individual claimants or NGOs and these can be different for each group. It is important to be led by the group itself. Understanding the dynamics both within the group and that the group has with public authorities, as well as the groups aims outside of litigation, will help to think through what the right strategy will be.

Consider closely the terms of any final orders and their usefulness to those who will rely upon it. It is important that the group understand what implementation work might need to be carried out after the substantive case is concluded e.g. communication with key stakeholders and partners. Ensuring that settlements are not subject to non-disclosure agreements can be helpful in highlighting some of the problems that litigation seeks to address in a way that can help to avoid those problems arising again in the future.

For funders

Have flexible and responsive grant making processes in place for time limited funding needs. The turn to litigation will not always be foreseen but can play a critical role in correcting power imbalances or reversing the effects of societal marginalisation.

Think about whether costs indemnification for litigation is something you can provide. The risk of having to cover a legal adversary's legal costs can have a chilling effect on using the law, particularly for small groups, and even more so for self-organised groups where adverse costs orders are more likely to be made (if at all) against the individuals themselves if the group has no legal identity. Building in the possibility of funding litigation itself and adverse costs risk at speed can play a significant role in changing the structural opportunities to address systemic injustices.

Introduction



Sex workers are one of the most at risk groups in society.² Research shows that street sex workers are significantly more likely to be subjected to fatal forms of violence than other women.³ They are also more likely to come from marginalised backgrounds, to have been in care or have experience of abuse.⁴ The most recent study of prostitution and sex work in England and Wales indicates that a large proportion of individuals selling sex (mainly women) do so to ‘get by financially, given different constraints in their lives around caring responsibilities, physical and mental health, lack of access to social security benefits and support services, workplace discrimination, or other reasons.’⁵ By contrast, the average sex buyer is male, thirty to fifty years of age, married and in full-time employment.⁶

There is strong evidence to suggest that the imposition of criminal or quasi-criminal enforcement strategies on street sex work exacerbate harm.⁷ While sex work is not illegal in the UK, there is disparity in terms of regulation and enforcement, especially in relation to kerb-crawling and dispersing groups of sex workers. The research and academic literature developed over decades show that measures resulting in criminalisation create stigma, increase vulnerability and make it more difficult to move into other employment.⁸ Sex workers report that the prevailing legal environment in England and Wales generally creates challenges for managing safety and further empowers the perpetrators of violence.⁹

Sex workers have been described as ‘a resourceful group, who as individuals and communities have developed a complex set of safety and coping strategies.’¹⁰ Indeed, there is an increased likelihood of positive outcomes where sex workers themselves develop community-based responses in order to minimise harm and collectively protect one another. One such strategy, for example, involves group working and vetting clients.¹¹ Another is the development of ‘ugly mugs’ schemes to share evidence and reports of violence; as well as efforts to re-define violence from the sex workers’ perspective.¹² Since the early 2000s police guidance and wider government policy has sought to be more alive to the safety of sex workers. Some police forces have implemented preventative approaches including the formal backing of local ugly mugs’ schemes.¹³ These strategies, including group and peer support, have become all the more important in light of the increase in sex work as a result of the Covid-19 pandemic.¹⁴ Situating this case study within an understanding of these positive developments and self-empowering measures helps us to better understand why use of the law to promote inclusive policy-making can be so productive.



CASE STUDY

An Untold Story – Voices



The Hull Lighthouse was established in 1996 as a voluntary project run by women from three churches in the city in response to the rising number of street sex workers. It developed over time into a registered charity which offers support and outreach services to women affected by sexual exploitation.¹⁵ Hull Lighthouse originally received grant funding from the Lankelly Chase Foundation to develop understandings of the experiences of women affected by street prostitution, which culminated in a book entitled *An Untold Story*, published in 2017. A small collective of women with lived experience of sex work, *An Untold Story – Voices*, grew out of the story writing process and sought to continue to engage collaboratively on issues of concern to the local sex worker community.

Individually and as a collective, they had come to recognise their own agency and the value of their experience. They shared a commitment to social justice and to reducing the harm and stigmatisation of sex workers in Hull. They realised the power of the stories they had to tell: *“We are essentially a group of people in recovery ... but our voices and experience are like gold dust.”*¹⁶ Over the three and a half-year period in which they wrote their book, fourteen women – including two contributors to the book – tragically died from street-work related illnesses and drug and alcohol related health conditions. The group became acutely aware that the ‘policies and practices of the criminal justice system, and mental health and children’s

services ... perpetuated the disadvantages each of the authors have faced rather than alleviating them'.¹⁷

One issue of concern since the group began their writing project had been the use of enforcement orders (a form of injunction) against “persons unknown” in Hull. In simple terms this involves prohibiting an activity or behaviour, and those activities specified in this case related to sex work. The orders make a blanket prohibition and do not identify individuals against which they apply, making them even harder to challenge. They are informally known as ‘triple twos’ in view of their legal basis in s.222 of the Local Government Act 1972. There had been complaints from residents about anti-social behaviour related to sex work in the St Andrews ward of Hull. A ‘triple two’ was issued against ‘persons unknown’ (i.e. unidentifiable people) in the area on 3rd December 2014 and renewed again in November 2016. The order prohibited activities relating to street prostitution including ‘loitering or soliciting for the purpose of prostitution’ and was enforceable by the police. The Legal Services Department of Hull City Council took action against ‘persistent offenders’ who breached the orders. By December 2019, 18 orders had been served on individuals and one had led to a custodial sentence. An Untold Story – Voices were extremely concerned about the experience of street sex workers in the area as a result of Hull City Council’s enforcement strategy and the threat of getting a ‘triple two’. This included:

- Driving sex workers to more isolated and dangerous areas;
- Giving sex workers less time to assess risks;
- Rendering sex workers less likely to access outreach services;
- Deterring sex workers from working in groups to ensure safety;
- Making sex workers less likely to contact the police when subjected to violence or threats of violence;
- Creating significant further stigmatisation in the local community and in the press.

While acknowledging that the reduced “visibility” of sex workers might be preferred by some of the local community, an interviewee at National Ugly Mugs (NUM) - a UK-wide organisation working to end violence against sex workers - stressed the need to balance this with the risks posed:

“When you impose criminalisation and enforcement... The services who would do outreach and provide support don’t know where these people are working and can’t engage with them. They move to back streets and they’re less visible... we know they’re more likely to be victims of crime, it only serves to increase risk.”¹⁸

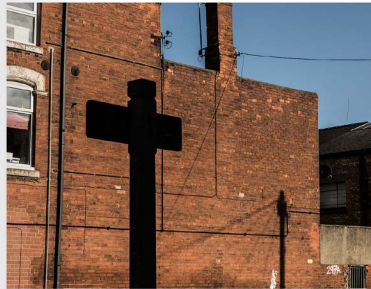
Likewise, the English Collective of Prostitutes were extremely concerned about the increased risk of marginalisation and stigmatisation.¹⁹ The use of the orders also ran contrary to national police guidance and to preventative strategies that had developed across the UK over the last decade and widely accepted by other city

councils. The use of the orders runs the risk of opening up what one interviewee referred to as a “perpetrator playground.”²⁰ The legal case that followed was built upon a narrative that the approach in Hull was not supported by national policies, the evidence or research and was an “outlier nationally.”²¹ As one of the claimants describes:

“The triple two exemplified the extremely backward attitude ... a dangerous hate filled attitude ... it was personally known to our group and it had cost them their lives. A couple were deaths that were incredibly suspicious and never investigated. Women found down in alienated spaces ... This is the background to the voicelessness, the sense of helplessness...”



I was 17. My mum was a working girl.
I just followed suit to what she
was doing. I needed some money.



She had two little boys and
it was on a boy's birthday
that she got found.



Discarded.



■ Issue identification: *Finding Voice*

An Untold Story – Voices began to engage in a participatory approach with Hull City Council in July 2017 by way of a letter setting out their concerns. As one lawyer in the case describes: “They started finding their voice and they were meeting with the local council to ask them to take a safety focussed rather than an enforcement approach to sex work in the area.”²² They held four meetings between October 2017 and October 2019 with local councillors and other stakeholders.

In early 2018, PLP launched a collaborative partnership with a range of Lankelly Chase funded organisations.²³ An Untold Story – Voices was one of the organisations that PLP “helped to upskill with public law knowledge” as part of this programme.²⁴ Even in the early stages of discussion around the issue, it was clear to PLP that it engaged matters of public law, including equality issues given the disproportionate impact of s.222 orders on women (having noted that kerb-crawlers and sex buyers, predominantly men, did not appear to be targeted by enforcement officers). As lawyers working on the case made clear:

“There is very clear ACPO [Association of Chief Police Officers] guidance on how to police street sex which cuts right across the system. The enforcement approach that Hull council were pursuing very clearly wasn’t the right one.”²⁵

Another lawyer noted that:

“Practice had developed in this area and it’s broadly recognised that it’s not appropriate to assume sex workers are criminals...it was a regressive step... they also plainly had a disproportionate impact on women than men.”²⁶

The ‘quasi-criminal’ nature of the orders further stood out: “Although these [orders] are in the civil jurisdiction, the process and penalties are so closely analogous to the criminal jurisdiction as to be understood as such by sex workers.”²⁷ PLP worked closely with An Untold Story – Voices to highlight some of the potential legal issues and rights entitlements and to help equip them with representations they could make informally to the council to effect change. Having conducted legal research on the matter, they set out questions to address and ways of encouraging the council to share information about their policies and practices in relation to sex work in the city to ensure transparency. As one of the claimants notes:

“In the early days it was about finding out what protocols were in place, what policies and procedures were there to guide the triple twos and how they were implemented. Sara [the solicitor at PLP] had asked us to find out just how many had been issued and what was the time frame and the ratio of sex workers to buyers.”²⁸

In their meetings with Hull City Council the claimants advocated for alternative approaches, including diversionary practices and more effective models of support.

They note how important ‘rights awareness’ was in the early stages. One member of the group noted: *“That really empowered us broadly speaking knowing our rights, knowing what language to use in terms of public officials knowing what their responsibilities were. It gave us confidence and a sense of validity to challenge things on a structural level.”*²⁹ The group felt confident in taking a conciliatory approach with the council. Likewise, they approached the Police and Crime Commissioner to open up communication channels, find avenues for sharing their experiences and encourage an alternative approach. One claimant describes being *“quite hopeful”* because they were *“having face-to-face conversations and trying to mediate the issue”*.³⁰ She describes further a meeting held on 29th October 2019:

“The Police and Crime Commissioner did an about-turn and invited us to a meeting with the council – a roundtable with senior people we had never met before who were making decisions. That appeared to go really well and our interpretation was that they were generally looking for a new approach. We thought that it would lead to an end to the triple two, we had asked about that directly.”

At this stage, the group felt they had reason to hope they had made progress on the issue and that they were being heard. They accepted ‘in good faith’ the assurances they were given about alternative approaches being considered.³¹ Indeed, they understood that an approach more consistent with the national guidance would be adopted. It came as a considerable shock to discover later that was not the case. One interviewee said, *“We realised in the end that even though the individuals in the meetings were saying the right thing those people had decided they didn’t have the power to go over the heads of their seniors.”*³² One interviewee describes the group’s *“sense of betrayal”* and feeling of having been *“strung along”* when they found out that the enforcement orders had been renewed, and that despite all of the group’s work, the poor decision making was continuing unaffected.³³ The purpose of the group’s engagement over many months had been to encourage and persuade the council to consider alternatives to the order. Despite having been assured they would be able to participate in ongoing decisions in relation to the renewal of the order the group found out via the press, not the local council or police, later in December 2019 that it had in fact been renewed. A lawyer working on the case reflected:

“I think it’s fair to say that the council were quite dismissive of our clients and their concerns. They had met with them on several occasions but it didn’t feel like a genuine conversation, it felt like they were paying lip service to their concerns”.³⁴

The experience of failing to make progress on the issue was shared by NUM. They too felt there was a *“lack of understanding about the impact of the enforcement powers”* and their use was a *“knee-jerk response to resident complaints.”* While they had conducted research around the levels of risk and then tried to engage the police on the issue they did not make progress and *“lacked resource and capacity”* to pursue it further.³⁵

Notably, there had been no consultation with other organisations working to advocate on these issues either. It also became clear that all other remedies had been exhausted and judicial review was an option of last resort to hold the public authorities accountable.

■ Litigation preparation and process

It is important to stress that litigation had not initially been a preferred course of action or even necessarily seen as an option for the group. As described above, they had prioritised discussions and engagement with the local council up until this point and, as several interviewees noted, they simply wanted “a seat at the table” to share concerns.³⁶ The group were sensitive to the needs of the local community and wanted to mediate issues and pursue agreement on alternative approaches. Although they knew litigation was potentially an option, they sought to look for other less contentious solutions and were encouraged by what they were being told in meetings. However, by the end of 2019 they felt they had reached a dead end with the Council as a result of the lack of transparency in their most recent meeting:

“We had felt like it was a shift in a positive direction and through all the right democratic channels. It just spectacularly backfired, the decision to renew the triple two had actually been made long before our meeting even took place.”³⁷

As one of the lawyers in the case comments, it was the realisation that a decision to renew the order had taken place without any consultation that galvanised them towards pursuing a more formal legal process given other remedies had been exhausted: “They asked at that point if there was a way to challenge because they felt they had no other choice.”³⁸ It was nonetheless an adjustment for the group to pursue such a different course: “We already felt like the naughty kids in the corner and all of a sudden we were being excommunicated officially.”³⁹ A further motivating factor for the claimants in pursuing litigation at this stage was the continuing high levels of risk posed to women. They noted in particular the increased negative press attention on sex work around renewal of the order.⁴⁰ One member of the group noted: “We were pretty driven, we were motivated and inspired. What was continually put out in the media was a motivation too in a way... that was driving us because of the additional threats to women that it causes.”⁴¹ This sense of motivation spurred them on:

“The bottom line is that it always came back to lives lost. We’ve lost about 50% of our group since we started in 2015 and although you couldn’t say that they were all directly related to this policy there are cases in the collective memory in the last ten years. More specifically since the clamp down of the triple two of lives lost and the associated response being inadequate. We 100% knew that if it were fully investigated it would reveal unlawful practices and there would be different outcomes.”⁴²



Self-Organised Groups and the Litigation Process

Moving from an informal and participatory approach with the council to a more adversarial legal challenge was not without complication. As a self-organised group, it had been important that *all* members felt they could participate in the process of negotiating with the council up until this point. Over many months those within the group who conducted meetings with the council would always come back to the wider group to ensure everyone could engage and contribute to a collective response. It was crucial to the group that no one was excluded from the process and that no individual was perceived to be ‘leading’. Rather, those meeting more regularly with the council and other stakeholders were simply facilitating on behalf of others. Inclusive participation and engagement very much suited the characteristics of the group. As a PLP lawyer comments, *“there was a real danger that pursuing litigation might create a power vacuum in such a grassroots organisation.”*⁴³

As a collective rather than a more formally structured organisation they did not necessarily have the processes in place, nor the corporate structure, that a larger organisation or NGO might have in order to think about turning more formally to the law in pursuit of their goals. They also had unstable finances as compared to other organisations which might be better able to fund legal action or bear the risks of unsuccessful legal action. One interviewee noted: *“We’ve been a mixture of voluntary, part-funded, part-not. It’s been up and down and quite unpredictable.”*⁴⁴ In this respect, the claimants note PLP’s flexibility and the sheer value of the time taken by lawyers to communicate matters carefully:

“It was a constant process of learning and re-assessing. I suppose at each stage you go through a sense of having your security knocked a bit and then you come back again as you learn about the process.”⁴⁵

The responsibility also weighed heavily on the claimants in terms of being able to ensure participation from the group as a whole and taking a truly collective approach.

Importantly, as a self-organised group with no legal identity, litigation could not be brought in the group’s name. Individual members of the group had to decide whether they wanted to be named as claimants on the claim form and thereby personally take on all the work and associated costs risks that go with litigation. Because of professional duties owed by lawyers to their clients, those members of the group who decided that they did want to be the claimants, were in regular contact with the legal team and information necessarily transmitted via them to the wider group: *“I wanted to make sure I wasn’t going to make this harder on the team by missing something.”* While the lawyers were taking instructions from the individual claimants named on the claim form, those instructions represented the interests of a much wider group of affected individuals. There were obvious time pressures in ensuring participatory processes while meeting tight deadlines.

The challenge for An Untold Story – Voices had been repeatedly being seen as a community that didn't need to be consulted and was not being heard. Several interviewees commented on the extent to which PLP's appreciation of the sensitivities of the collective endeavour and the need to include the wider group before giving instructions to the lawyers afforded them the legitimacy they had long collectively desired. As one of the claimants describes: *"I remember seeing the first court papers and it had a Crown on it! It had our names on it. It felt symbolic and incredibly weirdly empowering."*⁴⁶ However, while they describe this sense of empowerment, there were also moments when the enormity of pursuing a case in their own individual names against their local council was naturally overwhelming:

"When you're faced with the enormity of it. The potential consequences of it. We're all residents of this city. The council – you just walk out of your house and your wheelie bin reminds you you're on their turf. The everydayness of your existence could have been infiltrated. If things got nasty you'd feel it. A real sense of uncertainty."⁴⁷

Procedure and Time Limits

Bearing in mind the time needed to ensure participation, it is important to note that the relevant time limits were an almost insurmountable challenge in this case. The Civil Procedures Rules state that judicial review proceedings must be initiated promptly and, in any event, no more than three months after the date of the decision in question.⁴⁸ In this case, there was a lack of transparency from the council about when decisions had even been taken such that it was unclear from when the three month time limit would run. The claimants' perspective is well set out in their statement of grounds as part of the judicial review claim, which stressed the 'dismay', 'surprise and disappointment' that the decision to renew the order had been taken prior to their roundtable meeting but they had not been notified.⁴⁹ It was particularly difficult to determine the process (including the timing) of decision-making because 'no documentation had been disclosed confirming the date of the decision' nor were there any 'minutes from the meeting' or 'written reasons for the decision.'⁵⁰ This, in fact, indicated not only a failure to consult, but a defective decision-making process.

From the perspective of both the claimants and lawyers, the timeline was confusing and added considerable pressure: *"It was really difficult to grasp what the decision was and hard to determine the timeline"*.⁵¹ A key role of the lawyers early on was again to ask for transparency about decision making: *"We sent a PAP [Pre-Action Protocol Letter] within five days. We asked them to confirm immediately when the decision was made."*⁵² In fact, they only received formal notification from the council of the date of the actual decision (21st October 2019) on 23rd January 2020.⁵³ An interviewee noted: *"We thought it was the date of the meeting but the decision had been made the month before. We didn't know how things worked... when we realised we had a sudden flurry of activity."*⁵⁴ In view of the late notification of the decision a claim was able to be made outside of the normal timescales. The claimants sought



an order quashing the decision to renew the s.222 order, as well as declarations from the court that the Council had breached the Equality Act 2010 and the Human Rights Act 1998 in renewing the injunction. They also asked for their legal costs to be covered. They argued there had not been effective consultation nor was there adequate engagement with the Public Sector Equality Duty (PSED).

We set out below some of the challenges of putting the claim together in such a short timeframe, and how they were overcome:

Funding Litigation, Legal Aid and the Sufficient Benefit Test

A key challenge was the claimants' ineligibility for legal aid funding: *"We faced a real hurdle because the claimants weren't eligible for legal aid due to the sufficient benefit test."*⁵⁵ Under this test, the claimants need a direct and personal benefit from the proceedings in order to qualify for legal aid.⁵⁶ The order was made against "persons unknown" and the claimants were not named specifically. Recent case law (in the context of homelessness) had confirmed that the threshold was very high and the fact that the claimants had worked on this issue and had close personal experience of the problems at the heart of the case were not enough. The requirement for direct and personal benefit to qualify for legal aid meant it was not enough to be at risk, rather it had to be imminent risk. In this case, the three claimants had a longstanding and sincere commitment to advocating on behalf of sex workers in Hull. They had a long history of outreach and two had lived experience of sex work. However, they were not currently at risk themselves and would not derive sufficient direct personal benefit from the case, as such they were not able to meet the threshold for the test and did not qualify for legal aid funding.





This presents obvious hurdles for public interest organisations. One lawyer notes: *“These cases are very difficult to predict in terms of outcome, judicial review is very high risk and more particularly when the claimant group is not one that immediately garners the sympathy of the establishment.”*⁵⁷ Another observed, *“the change [in the legal aid qualifying test] is clearly a move to try to stop public interest groups to be able to challenge things on behalf of other people.”*⁵⁸ Given the focus of PLP’s work in facilitating access to justice for those who are otherwise excluded from relying on equality and human rights law in the justice system, it was deemed all the more important to find a way to continue with the case. One PLP lawyer noted *“For what it’s worth, we felt the particular vulnerability of the beneficiary group meant it was important for us to take on the case...”*⁵⁹ Another highlighted how this case is illustrative of the importance of standing and resourcing questions:

“This is a perfect example of why being able to pursue cases on behalf of other people is so important. We knew it would be virtually impossible to find a claimant who would have a direct benefit ... street sex workers are probably leading quite chaotic lives, perhaps likely to be addicted to substances, they’re not likely to want to bring a large lengthy legal challenge or to be in a position to do so or to be in contact with us regularly.”⁶⁰

PLP then made the decision together with the claimants to pursue the case under a Conditional Fee Agreement. A lawyer in the case observes: *“It’s much more risky to the organisation proceeding by way of a conditional fee arrangement because you don’t get paid if you lose.”*⁶¹ Nonetheless, to be able to proceed the claimants also needed to indemnify themselves against the risk of paying Hull City Council’s costs if they lost. Adverse costs could add up to tens of thousands of pounds in total and would be payable by the individual claimants. An approach was made to the initial funder of the collaboration, Lankelly Chase, and the organisation agreed to offer costs protection in the case.

It is often a challenge for grant making organisations to adapt and respond quickly to such needs and lawyers on the case outline how important it was that they *“moved things along”* so quickly given the time pressure.⁶² A lawyer in the case notes: *“It seems to me positive that we have space for lateral thinking around funding and what works.”*⁶³ One of the claimants also observed how valuable it was: *“It’s such an unusual funder – to be so open, responsive, thinking outside the box and incredibly generous in taking a chance.”*⁶⁴

Legal Standing

Another hurdle concerned standing – the requirement to show that individuals’ and/or an organisation’s interests are sufficiently affected by the issue. The council raised several points in response to the pre-action letter, including addressing the issue of whether the individual claimants bringing the claim had legal standing to do so. However, as claimants with a long history of working in outreach with sex



workers and two with prior lived experience of sex work, they felt confident they had sufficient interest in the issue, especially given the need to ensure the safety of others. As has been noted in similar strategic cases, the additional risk posed to those experiencing vulnerability (i.e. those currently engaged in sex work) by virtue of the stress of litigation and possible media exposure was significant.⁶⁵ The three selected claimants were better able to bear these risks. Likewise, one interviewee noted that sex worker involvement in the case would risk identification by the police and thus greater likelihood of being targeted by the injunctions.⁶⁶

Gathering Expert Evidence

The lawyers working on the case all reflect on having to become expert in the area within a short space of time. A PLP researcher conducted a literature review in order to determine what evidence there was of the impact of different models of enforcement and policing on the health outcomes of sex workers: “*We had to gather evidence very quickly – we did about three months work in three weeks.*”⁶⁷ The claimants also sought and obtained permission to admit expert evidence in support of their case. This expert report was drafted by Professor Maggie O’Neill and Dr Rosie Campbell OBE. Both experts had worked in the field for many years and had established a UK Sex Work Research Network in Durham in 2012. One of the experts notes that “*violence, safety and poverty have been the central themes of our career ... since the beginning of my research in 1989 it’s been about ensuring all agencies work together and ensure participation.*” She stresses further the variety of ways in which sex work can be addressed and that “*ultimate priority should be given to the women first and not what they are doing.*”⁶⁸ The lawyers in the case note how valuable it was that the experts were able to produce a report within a very tight turnaround and on a pro bono basis. It outlined clearly the large body of evidence confirming the negative effects of criminalisation and quasi-criminalisation.⁶⁹ The report was clear in its conclusions that Hull’s approach was an exception nationally, the “most enforcement-focused we have encountered” and “out of step with national policy guidance, the more recent government guidance and multi-agency partnership approaches on good practice...”⁷⁰

The lawyers noted the importance of gathering evidence from other organisations working on similar issues: “We also wanted to include statements from the English Collective of Prostitutes and National Ugly Mugs. We knew they were recognised in both the *Home Office and Police Guidance as important stakeholders in this area.*” As has been noted in other strategic litigation case studies, the ability of an organisation to step in quickly with evidence because of prior work and engagement on an issue was instrumental to success.⁷¹ ECP knew about the issue via their networks and they had already made public statements on the issue and they had “*personal testimonies*” from individuals affected.⁷² NUM also had prior research they could rely upon. They had undertaken research when the orders first came into place looking at their own data. This then meant that when PLP approached the

organisation they had data in the relevant area and evidence about the safety of sex workers. An interviewee noted: *“They [PLP] knew what they needed. It was a valuable piece of work – we’d done it and we could use it.”*⁷³ The claimants reflect on how this evidence gathering process itself empowered them as a group: *“During the litigation ... all the people that PLP put us in touch with to help further our case and make us stronger. They were educating us. They enabled us to grow.”*⁷⁴

Challenging Local Government

One observation made by lawyers in the case is that, as compared to a central government legal department, it seemed the council may have sought legal advice at a fairly late stage in the process which also impacted upon timelines: *“They’re generalists and they have a really broad remit being a local authority legal department ... they weren’t as expert [in litigation] like GLD (Government Legal Department) lawyers.”*⁷⁵ The perception of lawyers for the claimant was that again, as compared to working with lawyers in central government, there was more animosity in this case: *“It was more hostile than other cases I’ve been in but maybe that’s because of the position you’re in as an in-house local authority lawyer”.*⁷⁶

Discharge of the s.222 Order

The litigation took an unexpected turn in March 2020. A Court of Appeal decision in relation to the use of similar orders against protestors appeared to change the Council’s position.⁷⁷ The case made it clear that individuals cannot be made subject to the jurisdiction of the court without being put on notice.⁷⁸ It also confirmed that ‘persons unknown’ orders cannot impose liability on ‘newcomers’ (i.e. people who are previously unidentifiable but could become identifiable should they breach the order).⁷⁹ Following this decision, given that the s.222 order imposed in Hull also applied to a changing group of individuals whose identities were unknown, including those who might be new to the area, it was therefore unreasonably wide in scope.

In light of this, at a hearing at Hull County Court in May 2020 during the first Coronavirus-related lockdown the council made an application to discharge the s.222 order, which meant that the orders were lifted and sex workers were no longer prohibited from the area. The judge, realising the importance of adequately notifying the public and in the interests of open justice, made clear that the discharge be published in the local press and on social media. A lawyer at PLP commented on the importance of making sure that those in relation to whom orders are served are aware of its existence or discharge: *“It’s a relevant requirement that you make efforts to communicate them and the standard thing would be to put it in the local paper.”*⁸⁰

While the discharge of the order was, on the one hand, a positive development; on the other, a number of issues at the heart of the judicial review challenge seemingly remained unsettled. It was unclear whether the council would accept their responsibilities in relation to the Public Sector Equality Duty (PSED).⁸¹ For an Untold

Story – Voices, the most prescient concern was the extent to which the council were accepting liability thus assuring them that a form of similar action would not be taken in future without consultation. As one lawyer on the case comments, “it seemed as if they might re-apply for the order... because they saw it has a procedural defect rather than being substantively unlawful.”⁸² The issue of costs was also a continuing concern.

■ Settlement and Negotiation

After the discharge of the order, all parties began to seriously consider the option of settlement: “The prospect of hearing does bring the parties into focus... you get these pinch points in litigation where there is a settlement window ... an imperative to settle.”⁸³ The settlement negotiations brought An Untold Story – Voices back to where they had begun on their litigation journey, which was simply wanting to secure a seat at the table to ensure their voices were heard in decisions affecting sex workers in Hull in future. As one lawyer in the case stressed: “What we didn’t want was an order that settled the claim with no indication that the claimants should be involved in future policy developments.”⁸⁴

With this in mind, counsel (a barrister) for the claimants began settlement negotiations directly with counsel acting for Hull City Council. One lawyer commented: “We settled the case and the terms of the order were closely fought”.⁸⁵ It is also worth noting that having counsel in the case was instrumental at this stage in terms of seeing the “bigger picture”⁸⁶. One lawyer notes the extent to which this can be important:

“In the end we left it to our QC to thrash it out... in these hard and bitterly fought cases it’s not uncommon for points to be taken that touch on the professional conduct of the representatives... In my experience things can get personal and when the barristers speak together it can kind of take the intensity out of it”.⁸⁷

For the claimants, several issues lay at the heart of these negotiations. In addition to ensuring they would be consulted in future decision making was the matter of costs. Hull City Council had intimated they would not cover any of the costs of the proceedings to date. Several interviewees commented that unlike some other issues, the rights of street sex work does not attract the kind of widespread public support required for successful fundraising. One lawyer noted similarities with cases brought by other groups, for example, foreign nationals: “You’re on the back-foot even though human rights are universal.”⁸⁸

Recovery of costs is crucially important for public interest organisations (in this context, for those acting for claimants rather than the costs protection needed to indemnify against a loss, as discussed above). As one PLP lawyer makes clear: “It’s a real pressure for us otherwise. We want to do cases like this but we can’t do



a lot of them ... recovering costs in litigation is so important to be able to pay our staff team.”⁸⁹ The issue of costs was also important for An Untold Story – Voices as “accepting costs might ensure they were also accepting what they had done.”⁹⁰ This view was confirmed in the press at the time where, despite the position taken in the legal case, a local councillor, Daren Hale, was quoted as saying the orders were being set aside ‘for the time being’ and that it did not mean a ‘softening of approach in Hull’.⁹¹ One of the claimants in the case summarises:

“We felt like they [Hull City Council] were going to wriggle out of it without any accountability. It was like the veneer of the injustice had gone but they they did it in such a way that they could maintain what was behind the policies, they could avoid the public accountability that could have come at the next stage. That backdrop was still there. Such mixed feelings.”⁹²

A lawyer in the case acknowledged that settlement negotiations around costs can be ‘very difficult’.⁹³ Matters had to be handled sensitively on costs to ensure the primary goal of ongoing participation and consultation was not compromised by costs recovery.

After some discussion between the barristers in the case, an agreement was reached. The Council agreed to pay a proportion of the claimants costs to date. While this was not the whole amount, it provided some recovery for the losses incurred by PLP in taking the case. As one lawyer notes: “We got a lot of things we wanted in the order but to get it over the line we did have to accept a settlement on costs”.⁹⁴ Importantly, Hull City Council agreed to three further matters:

1. To develop its future strategic policy with respect to on-street sex workers by (i) consulting the Claimants; (ii) working with other agencies including Humberside Constabulary, the Police and Crime Commissioner and National Ugly Mugs;
2. To ensure that it complies its public sector equality duty in future.⁹⁵

The order itself was not made confidential, allowing the claimants to reference it in future engagement. A lawyer in the case reflected at several points about the “moral victory” of a case of this nature: that individuals had been treated unfairly and it was important to recognise that wrong in order to ensure it didn’t happen again in future.⁹⁶ This is reflected in the terms of the order itself where lawyers for the claimants sought an acknowledgement that the council must comply with the PSED in future. In strict terms this may seem obvious given that all public sector organisations have to comply with the PSED. However, it was extremely important for an Untold Story – Voices that this was made abundantly clear. One lawyer noted: “It’s a little moral victory for us because it’s a nod to the fact that they didn’t ... it makes sure that they do. If they don’t comply again then you point to the order.”⁹⁷

The claimants are extremely happy with this result: “I’m so pleased we just took the leap of faith in taking the Council to court ... they’ve actually got to listen to us now”.⁹⁸ The costs issue does seem to weigh heavily on the claimants and also upon the

lawyers in the case. For other individuals and groups where litigation is a last resort for remedying injustice and being heard, legal aid is unavailable and costs remain prohibitive:

“They [the claimants] got excellent solicitors and a leading junior and the system worked for them, it worked because PLP were able to recover some costs ... there are huge pockets where people can’t get the same access to justice for a range of reasons ... they’re not poor enough to get legal aid but not rich enough to afford a lawyer.”⁹⁹

■ After the Legal Challenge

“They actually listen to us now. They know the voice of lived experience is so important.”¹⁰⁰

Communications

This was a challenging case in respect of communications. Given that the underlying goal was simply to ‘have a seat at the table’ and to be able to participate in discussions, the claimants were mindful of dealing sensitively with issues in order to ensure positive relationships with Hull City Council in future. PLP recognised that their clients needed some support on communications aspects of the case: *“It’s not our expertise and we felt we needed some advice on the framing of the challenge and how to position it. We were conscious that the claimants wanted their communication to be impactful and at the right stage of the case.”¹⁰¹*

Communications experts (Impact, Law for Social Justice), funded by Lankelly Chase, supported the claimants during and after the litigation. One expert notes that the strategic advice she gave is often the *“hardest to hear”* because it was to hold off on communications and wait to see how the litigation develops. She was clear that during the case itself it was unlikely they would be *“mobilising anyone”* and they might even risk backlash in the community. She explains further:

“I think I concluded very early on that it would be advisable to separate out the case from the campaigning... the case was technical and legalistic. It wasn’t a clear-cut case. I didn’t think publicity during the case itself would be helpful. Once it had been settled one way or another, then that would be the time to mobilise the public interest on the issues.”¹⁰²

This was difficult at times, as one of the claimants notes, because *“it would have been nice to let people know we were fighting their corner.”¹⁰³* Nonetheless, there was a shared appreciation of the “no comms” rule. As one lawyer describes: *“Even when the consent order was signed we knew there needed to be an ongoing relationship with the council to achieve wider impact.”¹⁰⁴* The communications expert reflects that



it can be challenging moving from adversarial legal proceedings “to something more constructive and collaborative”.¹⁰⁵ In this respect, it seemed important to ensure they were engaging on a “human level” so that everyone involved in decision making processes relevant to strategies for the future did so “much more objectively and compassionately.”¹⁰⁶

It became a priority therefore to engage in communications that reached out, rather than alienated the council and other potential partners. An Untold Story – Voices posted a statement about the settlement on their website, stressing the importance of their future engagement and also pointing people to the national police guidance. A key part of their strategy was to continue to tell compelling stories, which is where the group had started in the first place, and ensure that the reality of the risks posed to sex workers by s.222 orders were highlighted. This was made easier because of the cohesiveness of An Untold Story – Voices and the grassroots nature of their work. Several interviewees noted the extent to which the issues being led by the group themselves rather than “lawyer-driven” was important.¹⁰⁷ The communications expert comments:

“They were so far down this road already, we were working with a cohesive, solid group who are by some measure the absolute experts in what they’re talking about. The key immediate concern is the fate of sex workers in Hull – it was all about them owning that.”

It is clear that this case was very different therefore from other cases where it is important to draw attention to the issues as the litigation progresses.¹⁰⁸ Maintaining relationships with the council and minimising any negative press attention for an already at risk group was a key priority until the case was settled: “there are times when your smartest move is to hope the media doesn’t come at you and to prepare as if it might.”¹⁰⁹

Consultation and Engagement

An Untold Story – Voices received confirmation in December 2020 that they had been appointed as members of the strategic working group between Hull City Council and NHS Partners to decide the new approach to sex work in Hull.¹¹⁰ One of the claimants is extremely positive about their role: “The ground has opened up to do something different ... we weren’t anticipating having a working relationship and it’s been amazing.”¹¹¹ They were invited to inform a new strategy and noted a culture change in decision making as compared to their previous engagement, as well as more meaningful participation from the police in the process. This came at an important time in light of the Covid-19 pandemic: “Without actively undoing the evil of the past there could have been Covid emergency powers that just recreated the exact harms in a different guise.”¹¹²

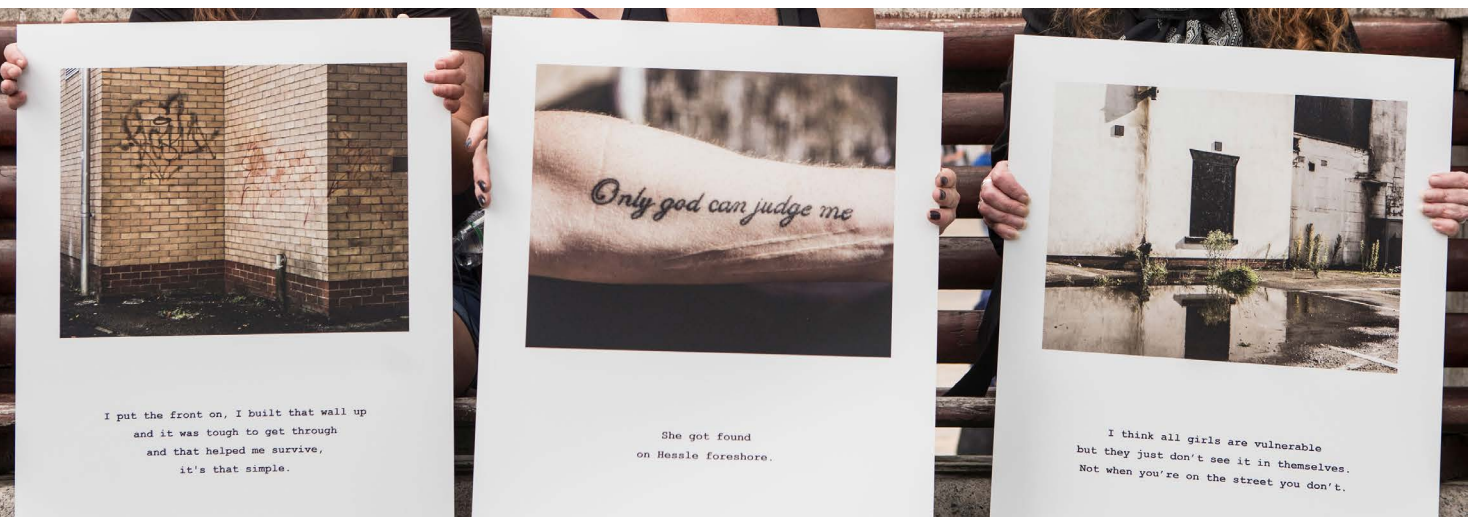
The claimants highlight the extent to which their engagement has led to knock-on positive impacts in other areas. One claimant can see changes already in Hull in



terms of engagement with the lived experience of sex workers “right across the board” in areas including “housing, mental health, doctors and domestic violence.”¹¹³ Another references how GPs in the area are now much more aware of the particular needs of sex workers and comments that the case created a “sea-change.” They note that there are other frontline workers (e.g. in homelessness or healthcare service provision) who had wanted to work differently for some time and now they have an opportunity to do so: “This has been happening because of the conditions that the court case created.”¹¹⁴

National Ugly Mugs (NUM) were also explicitly referenced in the settlement. A NUM representative highlights the importance of their presence on the strategic working group: “As professionals you can come up with all sorts of solutions to problems ... but if someone has an issue then they’re the best person to ask about the solution.”¹¹⁵ As an organisation, they stress the importance of participation so that all members of the community can be heard. A key focus for NUM moving forward is to ensure that the sex worker community are “embedded” in decision making.

Likewise, the English Collective of Prostitutes (ECP) stressed the value of ongoing participation with An Untold Story – Voices following the litigation. An interviewee highlighted the importance of working directly with a self-organised group rather than simply with lawyers working on their behalf. This helped to better develop a partnership for the future between ECP as a national level organisation and a local level group. In general, the interviewee noted that the case had “transformed the terrain in terms of sex worker organising” and work is now being undertaken to “translate the local situation to national level demands.”¹¹⁶ An Untold Story – Voices have been therefore empowered as a group and continue to campaign for sex workers both locally and nationally. They have worked on a consultation relevant to the ‘Nordic Model’ of sex work and received national press attention for their local arts projects.¹¹⁷ Several interviewees reflect upon the confidence that the case gave them; and the networks which they now draw upon to maximise the impact of their work.¹¹⁸



Summary conclusions



“My only regret is not doing it sooner.”¹¹⁹

One of the claimants reflects back on the litigation and concludes: *“Without the case, we would just be a small group making a lot of noise.”*¹²⁰ For An Untold Story – Voices there was a fundamental difference between making noise and actually being heard, not least because a blanket prohibition against ‘persons unknown’ was difficult to challenge. As a result of the recognition of the heightened risk of harm posed by the orders to sex workers in Hull, the group can now engage more constructively with the processes put in place for consultation with a range of stakeholders including the police and the council. It was only after the breakdown in these relationships – accompanied by feelings of betrayal – that turning to litigation became necessary.

A number of key lessons can be gleaned from this case study:

Settlement and Negotiation: The literature on legal mobilisation tends to overlook what can be achieved through settlement of legal disputes. Settling cases can be advantageous for all concerned in terms of avoiding the stress and cost of following litigation through to trial. Crucially it also provides a conclusion that all parties accept rather than a judgment which is imposed upon them. This case highlighted how having counsel navigate the tensions and differences among the two sets of parties to the case can take some of the emotion out of the process. However, thought needs to be given as to how relationships might be maintained away from the lawyers, or at least how bridges might be built afterwards. Ensuring that

settlements are not subject to non-disclosure agreements can be essential for those seeking to campaign around the issue at the heart of the case, or around routes to accountability more generally.

Funding: Litigation is costly both in terms of funding legal representation but also ensuring protection for liability for costs in the event of a loss. The latter is often the biggest barrier to self-organised groups and other would-be claimants bringing litigation. It is particularly challenging for individuals to pursue litigation in their own name where it may result in increased harm to physical or mental ill health. For others who have a standing, they may not be able to meet the high threshold test for the sufficient benefit test for legal aid. Responsive and flexible funding models from charitable sources can be extremely valuable in this context.

Communication: For some groups a proactive communications strategy will be central to achieving broader objectives around litigation. For others, a responsive communications strategy may be more appropriate – this includes thinking about how to challenge the use of the media by adversaries who aim to further stigmatisation and marginalisation. Establishing relationships with receptive influencers and journalists may be useful in encouraging the media to put forward a balanced picture of the issues at stake.

Decision-making in Public Authorities and Meaningful Consultation: Public authorities have many sets of stakeholders to consider and interests to balance. Over the last twenty years there has been a push to shift away from tokenistic and unrepresentative consultation events towards a new approach that includes creative and meaningful processes to reach what used to be called “hard to reach” groups and engage them in user-led service design.¹²¹ Meaningful consultation and rigorous processes of decision-making, including the communication and documentation of when and by whom decisions will be made, can go a long way in building trust with relevant stakeholders and avoiding adversarial processes in the medium to long term. Groups can advocate for transparent and fair procedures and highlight failings along the way.

The Legacy Phase: After a legal process, partnership working between affected groups, their solicitors and larger, nationally focused NGOs can help to ensure that court judgments or settlement agreements are developed or applied in such a way as to ensure changes are sustained over time. The forging of relationships between local groups and national NGOs can also play an important role in growing a network of engaged advocates who can share their experiences and insights with others facing similar challenges in the future.



Endnotes

- 1** We requested interviews with the defendant lawyers in the case but did not receive a reply.
- 2** Hester, Marianne et al. *The nature and prevalence of prostitution and sex work in England and Wales today* (London: Home Office, 2019). We similarly define sex work for the purposes of this report as 'the provision of sexual acts or erotic acts or sexual intimacy in exchange for payment or other benefit or need' (p.7).
- 3** Sanders, Teela and Campbell, Rosie. 'Designing out vulnerability, building in respect: violence, safety and sex work policy.' *British Journal of Sociology* 58(1) (2007) 1-19: 2; Connelly, Laura et al. Violent and Nonviolent 'Crimes Against Sex Workers: The Influence of the Sex Market on Reporting Practices in the United Kingdom.' *Journal of Interpersonal Violence* 36 (2021).
- 4** Phipps, Alison. 'Violence against sex workers', in Lesley McMillan and Nancy Lombard, eds., *Violence Against Women* (London: Jessica Kingsley) 87-102: 87.
- 5** n 3.
- 6** n 3: 22. Reference to these statistics does not intend to diminish the violence experienced by male sex workers. See Raine, Gary. 'Violence Against Male Sex Workers: A Systematic Scoping Review of Quantitative Data.' *Journal of Homosexuality* 68(2) (2021) 336-357.
- 7** Campbell, Rosie and O'Neill, Maggie. *Sex Work Now*. Cullompton: Willan (2006).
- 8** n 3: 22
- 9** n 3: 20.
- 10** n 5: 88.
- 11** n 4.
- 12** n 11.
- 13** Association of Chief Police Officers, *Policing Prostitution: ACPO's Policy, Strategy and Operational Guidelines for Dealing with Exploitation and Abuse through Prostitution* (London: ACPO, 2004); *Tackling Perpetrators of Violence Against Women and Girls: ACPO Review for the Home Secretary* (London: Home Office, 2006); *A Coordinated Prostitution Strategy and a summary of responses to 'Paying the Price'* (London: HMSO, 2009); *Together We Can End Violence Against Women and Girls: a Strategy* (London: HMSO, 2010).
- 14** Lam, Elene. "Pandemic sex workers' resilience: COVID-19 crisis met with rapid responses by sex worker communities." *International Social Work* 63(6) (2020) 777-781.
- 15** See <http://hulllighthouse.co.uk/> (last accessed 10th August 2021).
- 16** The Public Law Project, Claimant Interview, 18th November 2020).
- 17** *An Untold Story: Experiences of Life and Street Prostitution in Hull* (2017) available at <https://anuntoldstoryvoices.com/our-book/> p.5.
- 18** Interview 11, 28th June 2021.
- 19** Interview 14, 8th September 2021.
- 20** Interview 11.
- 21** O'Neill, Maggie and Campbell, Rosie. Expert Report (2020): [17].
- 22** Interview 1, 27th March 2020
- 23** Vanhala, Lisa and Kinghan, Jacqueline. *Supporting Systems Changers through the use of collaborative legal approaches* (London: The Public Law Project, 2020).
- 24** Interview 3, 4th December 2020
- 25** Interview 1.
- 26** Interview 5, 21st December 2020
- 27** Interview 3.
- 28** Interview 8, 12th March 2021.
- 29** Interview 8.
- 30** Interview 8.
- 31** The Claimants' Detailed Statement of Facts and Grounds, 28th February 2020 [43].
- 32** Interview 8.
- 33** Interview 8.
- 34** Interview 4, 17th December 2020.
- 35** Interview 11.
- 36** Interviews 3 & 4.
- 37** Interview 8.
- 38** Interview 4.
- 39** Interview 8.
- 40** See e.g. Campbell, James. "Shocked councilor offered sex by prostitute while leafletting at 1030am" (*Hull Daily Mail*, 5th December 2019).
- 41** Interview 8.
- 42** Interview 8.
- 43** Interview 1.
- 44** Interview 8.
- 45** Interview 8.

- 46** Interview 8.
- 47** Interview 8.
- 48** Civil Procedure Rules, Part 54.5.
- 49** n 31 [45]
- 50** n 31 [96]
- 51** Interview 4.
- 52** Interview 1.
- 53** n 31 Grounds [48].
- 54** Interview 8.
- 55** Interview 2, 5th November 2020.
- 56** *Liberty v Director of Legal Aid Casework* [2019] EWHC 1532 (Admin). See, <https://www.libertyhumanrights.org.uk/issue/liberty-v-director-of-legal-aid-casework/>
- 57** Interview 4.
- 58** Interview 3.
- 59** Interview 4.
- 60** Interview 3.
- 61** Interview 4.
- 62** Interview 3.
- 63** Interview 5.
- 64** Interview 8.
- 65** Vanhala, Lisa, Shauneen Lambe, and Rachel Knowles. “‘Let Us Learn’: Legal Mobilization for the Rights of Young Migrants to Access Student Loans in the UK.” *Journal of Human Rights Practice* 10, no. 3 (2018): 439-460.
- 66** Interview 3.
- 67** Interview 1.
- 68** Interview 13, 23rd July 2021.
- 69** n 21 [70].
- 70** n 21 [89]
- 71** Kinghan, Jacqueline and Vanhala, Lisa. *Transforming Lives Through Law* (London: The Baring Foundation, 2019).
- 72** Interview 14.
- 73** Interview 11.
- 74** Interview 12, 28th June 2021.
- 75** Interview 4.
- 76** Interview 3.
- 77** *Canada Goose UK Retail Ltd v Persons Unknown* [2020] EWHC 303.
- 78** [42]
- 79** [42]
- 80** Interview 4.
- 81** Under section 149 of the Equality Act 2010 local authorities have due regard to (i.e. consciously consider) how their policies or decisions affect those protected by the Equality Act. This includes the need to eliminate unlawful discrimination or victimisation, advance equality of opportunity and foster good relations between different groups.
- 82** Interview 4.
- 83** Interview 5.
- 84** Interview 3.
- 85** Interview 4.
- 86** Interview 3.
- 87** Interview 4.
- 88** Interview 4.
- 89** Interview 1.
- 90** Interview 3.
- 91** James Campbell, ‘Order banning prostitution in Hull to be removed in major change’ (*Hull Daily Mail*, 13th May 2021).
- 92** Interview 8.
- 93** Interview 5.
- 94** Interview 4.
- 95** Consent order (i.e. claimants consenting to withdraw from judicial review proceedings), 10th June 2020.
- 96** Interview 4.
- 97** Interview 4.
- 98** Interview 12.
- 99** Interview 5.
- 100** Interview 12.
- 101** Interview 3.
- 102** Interview 6.
- 103** Interview 12.
- 104** Interview 3.
- 105** Interview 6.
- 106** Interview 6.
- 107** Interviews 1 & 6.
- 108** n 67.
- 109** Interview 6.
- 110** Email correspondence from claimant, 15th December 2020.
- 111** Interview 8.
- 112** Interview 8.
- 113** Interview 12.
- 114** Interview 8.
- 115** Interview 11.
- 116** Interview 14.
- 117** Judah, Hettie. ‘She had two little boys: the sex work photography project hitting Hull’s streets.’ (*The Guardian*, 22nd July 2020).
- 118** Interviews 8 & 12.
- 119** Interview 12.
- 120** Interview 12.
- 121** Cook, Dee. “Consultation, for a change? Engaging users and communities in the policy process.” *Social Policy & Administration* 36, no. 5 (2002): 516-531.



"I can imagine a future where it might be easy to be drawn into big issues which are crucial to fight, but it can be easy to lose the little voices ... it is those little voices that are the key to making sense of injustice."

The Public Law Project, Claimant Interview,
18th November 2020.