

# Do I need a lawyer?

## WHAT ADVICE AND LEGAL SERVICES CAN DO FOR YOU

### When Mark and Kate needed help

“ Everything was going well until three months ago. Kate and I were both working and doing up the flat we'd bought. Then I was made redundant. We were OK for the first month because I got my notice pay and Kate was still working, but then our income went right down. We couldn't afford our mortgage or our council tax. We hardly had enough money to keep ourselves going. I tried claiming benefit and was told that because Kate was working, we couldn't get anything. I'd been looking for work but couldn't find it. We got sent a warning letter from the bank about our mortgage, saying we could be evicted if we didn't pay it. Then we had a letter from the council saying we were being taken to court for our council tax and that if we didn't pay, we could be sent to prison. We didn't have a clue what to do about it. We tried speaking to the council and the bank, but we were just told that if we couldn't pay, there was nothing they could do to help us. It was a complete mess...”



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If you've got a problem and you don't know what to do next, don't panic or bury your head in the sand: there are lots of different organisations there to help. There are Citizens Advice Bureaux, Law Centres, other advice centres and solicitors. But which is best for you?

In this leaflet we describe what these organisations do, the differences between them, and how you use them.



This leaflet deals with getting help with things like: benefits; housing rights; consumer problems; problems at work, divorce and family problems – what lawyers call 'civil law'. It doesn't cover 'criminal law' – problems involving the police.

## Advice centres

*“Kate and I knew we had to get some help, but we didn’t know where to turn. Luckily a friend suggested that we call Community Legal Service Direct. It was free except for the cost of the call. The person we spoke to gave us some advice but thought we needed more help than he could give us over the phone. He found us a nearby advice centre that could help for free. We couldn’t get an appointment for two weeks. They asked us to bring with us proof of our income, letters from the bank and council and any insurance policies we had.*

*The adviser asked us what the problem was and we explained what had happened to us. She worked out what benefits we could claim and helped us fill in the forms. Then she checked our insurance policies and discovered that the mortgage payments were covered for a year if I lost my job! She helped us make a claim and wrote to the bank explaining what was happening.*

*Together we worked out a budget and how much we could afford to pay towards our other debts. Our adviser phoned the council tax department to negotiate how much we should repay and when. The council agreed to her proposals, when they wouldn’t agree to ours before. She explained how important it was that we stuck to the repayments because then the council wouldn’t take us to court.*

*Afterwards we got a letter from her, that went over what she’d told us, what else she was going to do and what we had to do next.”*

Advice centres can provide a free service because they are funded by government or charities. They are run by independent management committees. It is their job to make sure that the centre acts in your best interests and represents your views and is not influenced by the local council or anyone else who funds them.

Not all advice centres are the same. Some offer advice on a range of subjects; others specialise in a particular area, such as benefits, debt or housing advice. Some centres offer help to a particular group like young or disabled people.

Different advice centres offer different levels of help. Some can only give you information or initial advice and arrange for you to see a specialist adviser or solicitor if your problem is complex or outside their area of expertise. However if an advice centre has expertise in dealing with your type of problem they might be able to solve it all for you and, if necessary, represent you in court or at a tribunal.

Many advice centres employ some professional advisers and may also use trained volunteers. Some, like Law Centres, will also employ solicitors.

*I know- let’s call Community Legal Service Direct- it’s free except for the call!*

*The phone’s been cut off.*



Advice centres and Law Centres tend to deal with things like:

- benefits
- debt
- housing rights
- consumer problems
- problems at work
- immigration problems
- getting services from your council

This is just a quick guide; not all advice centres will be able to advise on all of these problems.

Advice centres are often based in their own premises in high streets or shopping centres. They may run ‘outreach’ sessions in places like GP’s surgeries, hospitals and community centres. Some centres can give you advice over the phone or by email or arrange a home visit if you need one.

Advice centres tend to be informal but busy. You might have to wait for a couple of weeks for an appointment, or wait your turn at a drop-in session. Most centres don’t have lots of money to spend on decoration and facilities, so they may look a bit basic! However, advisers at advice centres can:

- give you information, advice and guidance
- explain your options and the effects of choosing one option over another
- negotiate with the person or organisation causing you the problem
- write letters or make phone calls on your behalf

See page 7 for how to find advice centres.

# Solicitors

**Solicitors are qualified lawyers. The majority work in firms of solicitors. These are businesses that charge for their services.**

Some solicitors have offices in high streets, others in the streets around the local court. Some firms of solicitors advise on a wide range of subjects, others specialise in just one or two areas.

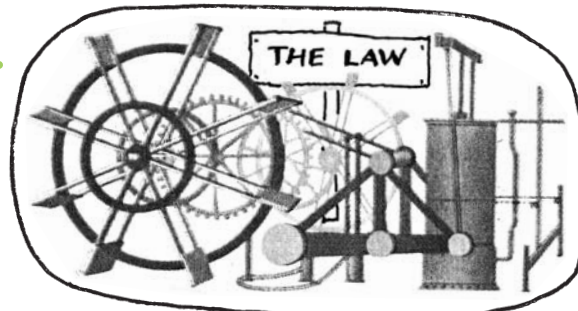
The atmosphere in a solicitor's office can sometimes feel formal and official. Don't let this put you off: remember that solicitors deal with problems like yours every day.

Firms of solicitors can often help with the same kinds of problems as advice centres but they can also offer you services that most advice centres can't. These include starting or defending any court proceedings, making a will, getting a divorce, buying and selling a house and advising on criminal law.

Solicitors can:

- give you advice about the effect of the law on your particular circumstances
- explain your options and the effects of choosing one option over another
- negotiate with the person or organisation causing you the problem
- write letters or make phone calls on your behalf
- prepare legal documents and court applications
- arrange for you to be represented in court

Some solicitors can get legal aid for you (see page 4). Involving a solicitor at an early stage may stop things getting out of hand, so you don't have to go to court at all.



**SOLICITORS CAN GIVE EXPERT TECHNICAL ADVICE AND PRACTICAL HELP...**

## Maya's story

*"Rob's changed so much since I first met him. He was kind and considerate in the beginning and seemed to adore Lauren as though she was his own. But recently he's been so angry, he's always having a go and nothing is ever right. Then last Thursday he started shouting at me and hit me so hard that I fell against the kitchen door. He stormed off.*

*I picked up Lauren and rushed round to my friend's house. I didn't want to call the police so Karen said at least I should go and see a solicitor. She managed to get me an appointment for the next day after she explained what had happened and how scared I was, but she had to try four different places.*

*The receptionist was kind but I still felt nervous sitting in the waiting room. I saw a lady solicitor. She was quite smart and businesslike but after a while I realised she knew what to do and was going to help me, so I began to relax. She asked me about my income and savings and was quickly able to tell me that I could get free legal advice. This was a huge relief as I was really worried about the cost.*

*There were a number of different things I could do: my head was spinning; there was so much to think about. I knew I couldn't go back and live in the same flat again. The solicitor said she could help me get re-housed by the council because we were homeless due to violence. She told me about a refuge where I could stay in the meantime if my friend couldn't put me up.*

*We agreed that we would go to court and ask for an order to protect me from any more abuse from Rob. She promised that I wouldn't have to go to court on my own; she would go with me. I got my court order. After the court hearing I had a letter from my solicitor explaining what the order meant and what we needed to do next. It had been a terrible few weeks but at least someone was helping me now."*

# Paying for legal help

If you are on a low income and only have limited savings you may be able to get part or all of your legal costs paid through legal aid ('Community Legal Service Funding').

If you are claiming Income Support, income based Job Seekers Allowance or Pension Credit (guarantee credit) you will be eligible for legal aid without having to make a contribution towards it.

In some types of cases, where you gain or keep money or property with the help of legal aid you may have to repay all or some of your legal costs out of that property.

The legal aid system is complicated. If you have a legal problem and are worried about how much it will cost you to sort out ask your solicitor about this at your first appointment. They will be able to tell you if you are entitled to legal aid or not. Alternatively you can check online by using the Legal Aid Calculator at [www.clsdirect.org.uk](http://www.clsdirect.org.uk). See page 7 for how to find solicitors and advisers who can offer you legal aid.



**YOU MAY BE ABLE TO GET LEGAL AID - ASK YOUR SOLICITOR AT YOUR FIRST MEETING**

## Alternatives to court

There is often another option – in many circumstances you can choose to solve your problem through mediation or conciliation. This is where you, and the person you have a disagreement with, meet with an independent third party who knows how the law works, and you try to come to an agreement yourselves. Your agreement can then be written up as legally binding if you wish.

Mediation can be particularly useful in helping you come to an agreement on child residence and contact issues, or the financial settlement as part of a divorce. It can also be useful for other disputes where you have to get on with the other person in the future, like problems with neighbours or at work. There are also some mediation schemes for personal injury or small claims.

Using mediation as an alternative to court tends to be cheaper. However, you may need to talk to an adviser or a solicitor to check that any agreement you make is fair and reasonable.

For some disputes you can consider using an arbitration service or making a complaint to the ombudsman. In arbitration the independent third party makes the decision, rather than helping you to come to an agreement. Ombudsmen are independent organisations that investigate and resolve complaints about public and private organisations. The big advantage of ombudsmen is that they are free to the user.

To find out more about alternative dispute resolution and what you can use it for see [www.adrnow.org.uk](http://www.adrnow.org.uk)



**MEDIATION MAY HELP IN DISPUTES WITH NEIGHBOURS**

# Similarities between solicitors and advice centres

## Non-discrimination

Solicitors and advice centre staff must not discriminate when they decide whether or not they will give you legal advice and help. A non-discrimination policy should prevent discrimination on grounds of race, sex, marital status or sexual orientation, disability, ethnic or national origins, colour, nationality, age, religion or belief.

## Independence

Solicitors and advice centres are independent. This means that they act in your best interests and are not influenced by their own interests or those of government or anyone else.

## Confidentiality

Both solicitors and advice centre staff can be trusted with private information; they have to keep it secret.

## Insurance

Like anyone else, solicitors and advisers occasionally make mistakes. All solicitors and advice centres should have insurance to cover them if they make a mistake. If you are given incorrect advice which results in you losing out then you may get compensation.

# Differences between solicitors and advice centres

	Advice centres	Solicitors
<b>Charging</b>	Most advice centres including those that employ solicitors offer their services free of charge. This is because they are funded by government or charities.	Firms of solicitors are businesses and charge for their services. However many firms have contracts with the government to provide legal aid. So if you are eligible you may be able to get part or all of the advice you need free.
<b>Legal proceedings (litigation)</b>	Advice centres that employ solicitors, like Law Centres, can take a case to court.	All solicitors can do this.
<b>Training</b>	Most people working in advice centres do not have a professional legal qualification. However you will find one or more solicitors employed in a Law Centre.  Generally, training is done 'on-the-job' and through courses for advisers.	Solicitors have a professional legal qualification and have to do at least 16 hours further training each year to improve and update their general professional skill and knowledge.

*It's just her way of making friends!*



**“ADVICE CENTRES TEND TO BE INFORMAL BUT BUSY”**

# How do I prepare for seeing a solicitor or adviser?

Make a list. It can be a good idea to get a friend to help. The list should include:

- the main points you want to make
- what you want to know
- the questions you want to ask

Take any relevant letters or documents with you. This will help your solicitor or adviser understand what has been going on.



**GET A FRIEND TO HELP..**

## What can I expect?

They will ask you many questions. Try to answer them as clearly and accurately as you can. The solicitor or adviser should check with you to make sure they've understood what you've said. Don't hold back information because you are embarrassed or feel it may not be important. Explain why you feel awkward. Don't be afraid to ask them to explain anything you don't understand.

You may want to ask questions such as:

- What happens next?
- How likely is my case to succeed?
- What are the risks involved?
- How long will it take?
- How much will my case cost?
- Am I eligible for legal aid?
- Can I do anything to help my case?

After you have seen the adviser or solicitor for the first time you may want to ask yourself:

- Do I feel confident about using this person?
- Did I understand everything that they told me?
- Do I think they fully understood my problem?
- If the service isn't free, am I clear how much this could cost me if I go ahead?



**DON'T BE AFRAID TO ASK QUESTIONS**

## How can I be sure that the advice I'm getting is good?

The short answer is that it is difficult to be absolutely certain. However supervision systems are now widespread in advice centres and firms of solicitors. More advice centres and solicitors check the quality of their advice and the Legal Services Commission, which looks after legal aid in England and Wales, sometimes uses solicitors who are good at what they do to review the work done by solicitors and advisers doing legal aid work.

Lexcel is the Law Society's practice management quality mark. Firms of solicitors with Lexcel have been independently assessed to ensure

that certain standards of practice have been reached. Keeping the award involves annual monitoring visits. Firms with this award usually have the Lexcel logo on their notepaper.

The Community Legal Service Quality Mark, awarded at Specialist, General and Information levels, sets standards for organisations to follow so they can show that they are well run. Any firm of solicitors or advice centre that has been awarded a Quality Mark will have the Community Legal Service logo on their notepaper and may have a poster in their window, waiting room or on their front door with the same logo on it.

# How do I find an advice centre or solicitor?

## Community Legal Service Direct

CLS Direct is a free, confidential service to help people deal with their legal problems. Through its helpline and website you can get contact details of local advice centres and solicitors who hold the CLS Quality Mark. You can also find details of local family mediation services.

## CLS Direct Telephone Services (0845 345 4 345)

You can get free initial advice from a qualified legal adviser, listen to recorded messages about common legal problems and order free legal information leaflets on a range of topics.

## [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

As well as finding a local adviser or solicitor, you can use this website to ask a question or choose a topic and be directed to the best advice websites in the UK. You can also check if you are eligible for legal aid using the online calculator and read or print off information leaflets.

You can also find advice centres and solicitors in the following ways:

## Advice UK advice centres

Advice UK is a support network for independent advice centres. Some of these centres give general information and advice on a range of subjects whilst others specialise in legal advice in one or more areas of law. For many of the centres, giving information and legal advice is only part of what they do. They may also provide other community support and social care services. Some also just serve a particular community in society. You can find out whether there is an Advice UK Advice Centre near you by going to <http://www.adviceuk.org.uk/search.asp> or telephoning **020 7407 4070**.

## Citizens Advice Bureaux (CABx)

Citizens Advice Bureaux help people resolve their legal, money and other problems by providing free information and advice. You can find your local CAB by going to <http://www.citizensadvice.org.uk/index> or

looking under 'Citizens Advice Bureaux' in The Phone Book.

## Law Centres

Law Centres are staffed by both solicitors and other workers who specialise in legal problems and offer a free service. Different Law Centres specialise in different areas of law but you will commonly find they can advise on housing, employment, immigration, discrimination, education, community care, welfare benefits and debt. Solicitors at Law Centres take on cases in exactly the same way as solicitors in firms. They will not usually act for someone who can afford to pay a solicitor. Law Centres usually only help people who live or work in their area. You can find out whether there is a Law Centre near you by going to <http://www.lawcentres.org.uk/>

## The Law Society

You can search for a solicitor by area of law at [www.lawsociety.org.uk](http://www.lawsociety.org.uk) or phone **0870 606 6575**. Their website also contains a useful section on how to choose a solicitor at <http://www.lawsociety.org.uk/choosingandusing/howtochoose.law>

## Others

Some organisations have a special interest in a particular area and can offer expert advice on that topic. Here are just some examples:

**Age Concern** provides information relevant to the needs of older people. It publishes fact sheets and runs the **Age Concern Information Line (0800 00 99 66)**. Local Age Concern groups may be able to offer advice and you can find out if there is one near you by going to <http://www.ageconcern.org.uk/AgeConcern/locate.htm>

**Resolution** is an association of lawyers who deal with family disputes. Their members subscribe to a code of practice setting out their constructive approach to these problems. You can search for one of their members at [www.resolution.org.uk](http://www.resolution.org.uk)

**Shelter housing aid centres** offer specialist information and legal advice about housing. You can find your local housing aid centre by going to <http://england.shelter.org.uk/advice/advice-1009.cfm>. In Wales, Shelter Cymru runs a network of housing advice services. You can find details of them at <http://www.sheltercymru.org.uk/>

Shelter also provides advice and information via its free national telephone helpline on **0808 800 4444**.

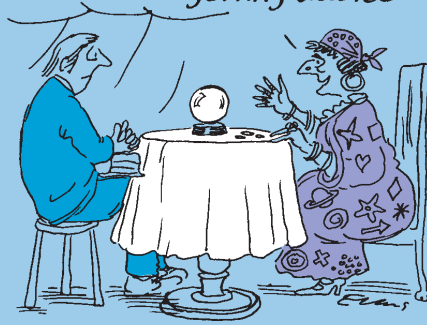
You can find details of specialist arbitration, conciliation and mediation services by using the directory at [www.adrnow.org.uk](http://www.adrnow.org.uk).

## Jargon buster

**The Community Legal Service (CLS)** is a network of Quality Marked solicitors and advice centres.

**Legal Aid** is a government scheme for people with low income and savings. If you are eligible and your case is considered worth supporting you may get financial help with the cost of legal advice, assistance, mediation and representation.

To be perfectly honest -  
I think you'd be better off  
getting advice



This leaflet is one of a series published by the Advicenow website.  
Download it for free from [www.advicenow.org.uk/gethelp](http://www.advicenow.org.uk/gethelp).

Advicenow is run by Advice Services Alliance to provide readable accurate information on rights and the law. It includes a managed web search of 300 rights and legal websites, plus features, articles, quizzes and cartoons.

*“Advicenow is the liveliest, least stuffy, most accessible and understandable website on legal matters that I’ve ever come across.”*

*Marcel Berlins, The Guardian*

Also see our campaign against the myth of common law marriage at [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether).

The information in this leaflet applies to England and Wales only.

**The law is complicated and every case is different. Get advice.**

**Written by Clare Shirtcliff.**

*December 2005*

## advice services alliance

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Advice Services Alliance (ASA), the co-coordinating body for UK advice services.

ASA members include advice<sup>UK</sup>, Age Concern England, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access.

ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

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**Community  
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*Call or click  
for free quality legal help  
and information*

**0845 345 4 345  
[www.clsdirect.org.uk](http://www.clsdirect.org.uk)**

[advicenow.org.uk/gethelp](http://advicenow.org.uk/gethelp)