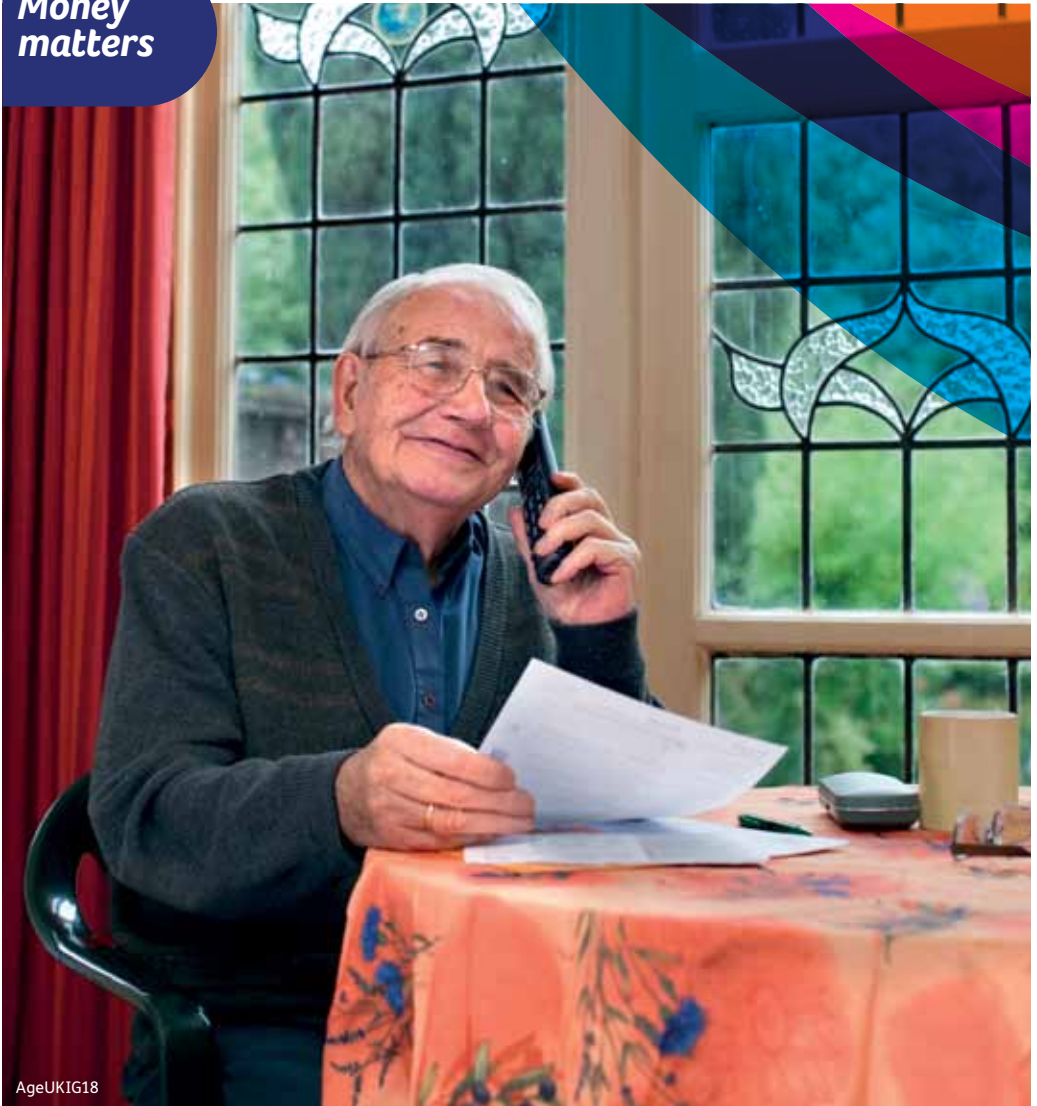


Help with legal advice

Finding and paying for legal help

Money matters



***Age UK is the new force combining
Age Concern and Help the Aged.***

***With almost 120 years of combined
history to draw on, we are bringing
together our talents, services
and solutions to do more to enrich
the lives of people in later life.***

***The Age UK family includes Age Cymru,
Age NI and Age Scotland.***

Age UK is the new force combining

AGE
Concern

and

HELPTHEAGED WE WILL

This information guide has been prepared by Age UK and contains general advice only, which we hope will be useful. Nothing in this guide should be construed as specific advice and it should not be relied on as a basis for any decision or action. Age UK does not accept any liability arising from its use. We aim to ensure that this information is as up to date and accurate as possible, but please be warned that certain areas are subject to change from time to time. Please note that the inclusion of named agencies, companies, products, services or publications in this information guide does not constitute a recommendation or endorsement by Age UK. Every effort has been made to ensure that the information contained in this guide is correct. However, things do change, so it is always a good idea to seek expert advice on your personal situation.

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Introduction

Most of us need to get legal advice at some point in our lives. It might be help to sort out a problem with your benefits, your home, or getting the help you need from the council. Or you might need a solicitor to help you write a will, set up a lasting power of attorney, or buy or sell your home.

Whatever the reason, it's a good idea to have a little knowledge about the process, and the best ways to go about getting help. This guide explains how you can get free advice or, if you have to pay, the different ways in which you can pay, and how you can minimise the cost. It also explains what to expect, how to prepare, and how to complain if you are not satisfied with the service you receive.

Throughout the guide you will find suggestions for organisations that can give further information and advice about your options. Contact details for these organisations can be found in the 'Useful organisations' section (see pages 18–22). Contact details for local organisations can usually be found in your local phone book. If you have difficulty finding them, your local Age UK/Age Concern* should be able to help (see page 18).

As far as possible, the information given in this guide is applicable across the UK.

Key



This symbol indicates where information differs for Scotland, Wales and Northern Ireland.



This symbol indicates who to contact for the next steps you need to take.

*Many local Age Concerns are changing their name to Age UK.

Why get legal advice?

There are lots of reasons why you might need legal advice. Usually it's because you need help to:

- deal with problems (for example, problems with your housing, work, debts, or with something you have bought)
- deal with legal processes (for example, getting a divorce, or buying or selling a home)
- set things up for the future (for example, writing a will, or organising a lasting power of attorney)

or

- make arrangements to pay for care.

Of course, you may be able to do some of these things without help, but in most cases it's best to get at least some help from an adviser or solicitor if you can. An adviser or solicitor may be able to spot a solution, or avoid a problem, that you haven't thought of. And they usually have a more in-depth understanding of the law or how it works in practice, and so can help you make your case in a more effective way.

what next?

Call Age UK Advice (see page 18) and ask for our free factsheet *Getting legal advice*. Alternatively, Advicenow is a website that provides information on lots of rights and legal issues (see page 18).

Free legal advice from advice agencies

You can get free legal advice from an advice agency on issues such as benefits, housing, consumer rights, problems at work, and community care.

Advice agencies include advice centres, law centres, Citizens Advice Bureaux,* local Age UKs/Age Concerns,* and many others.

Some advice agencies can help with lots of different problems, while others specialise in a particular area, such as housing or debt. Different advice agencies also offer different levels of help. Some can only give you initial advice, while others will be able to help with complex cases and even represent you in a court or tribunal.

- i** If you live in England and Wales, Community Legal Advice can help you find an advice agency in your area that deals with your problem. If you live in Scotland or Northern Ireland, find your local advice agencies by looking in your phone book, or using the CAB, Scottish Association of Law Centres, Law Centres Federation, or Advice NI websites. See pages 18–22 for details.

*Many local Age Concerns are changing their name to Age UK.

Other free legal advice

Advice centres aren't the only way to get free legal advice. There are various other organisations who give advice on a particular subject area. For example, Consumer Direct can help with problems with consumer goods or services.

i (In Northern Ireland this is Consumer Line.) This advice is often provided over the telephone, but some organisations also offer face-to-face advice or a casework service.

i If you live in England and Wales and are on a low income, you can also get advice over the phone from Community Legal Advice on many issues.

You may be able to get free legal advice on employment and other issues if you are a member of a trade union. Contact your trade union to find out what it offers.

Access to legal advice is also offered as a benefit with some bank accounts and insurance policies.

what next?

Check the terms and conditions of any bank accounts and insurance policies that you hold. All Age UK home insurance policyholders have access to a legal helpline for free advice, as well as the option to purchase Personal Legal Protection Cover of up to £50,000. For further details, call 0800 085 3741. Age UK Home Insurance is provided by Ageas Insurance Limited.

‘I had legal expenses insurance as part of my household contents policy.’

When Thomas came home to find his home had been flooded by a leak, he was worried about how he would afford to replace his ruined possessions.

‘I came back from a weekend away to find my bathroom had flooded because of a burst pipe. I’d recently had it redone and the new tiles and floor were ruined, as well as the hall carpet. I was devastated. It was so soon after I’d had it renovated that I was suspicious that the plumber had done something wrong.

‘But I thought, well, thank goodness I’ve got insurance and I can claim for the damage. But when I looked into it, it turned out I was badly under-insured. There wasn’t going to be enough money to replace everything. I didn’t know what to do.

‘I spoke to a friend who used to work in a solicitor’s office, and he said I could try to sue the plumber for my uninsured losses. I was worried that I wouldn’t be able to afford a solicitor and I was going to give up on making a claim.

‘But I phoned my insurer and they confirmed that I had legal expenses insurance as part of my household contents policy. They put me in touch with a solicitor and I had the peace of mind of knowing that the costs were covered.’



When you cannot get free advice

There are certain issues that most advice agencies or free services won't be able to help with. These include making a will, setting up a lasting power of attorney, buying or selling a house, or getting a divorce. In these circumstances, you need to get advice from a private solicitor. The following section explains how to find a good one. If you are on a very low income you may be able to get help with the cost of this (see page 10 for information on legal aid).

How to find a solicitor

Different solicitors specialise in different areas of law, such as criminal, divorce or employment. You should always try to find a solicitor who specialises in dealing with issues like yours.

- i** In England and Wales, you can search for a solicitor who specialises in the area of law you need by searching the Law Society website, or calling its office. It can also help you find solicitors who provide information in other languages. The Law Society of Scotland provides this service in Scotland; and the Northern Ireland Legal Services Commission does the same in Northern Ireland. None of these services will recommend a particular solicitor, so if you have several options, telephone a few to compare the service they offer.

i You can also search for solicitors in your area who provide advice through legal aid. In England and Wales, you can use the Community Legal Advice helpline and website to find legal aid solicitors in your area. In Scotland, the Scottish Legal Aid Board provides this service, and if you live in Northern Ireland, the Northern Ireland Legal Services Commission can help you.

If you are making a claim for compensation because you have been injured in an accident or a crime, you can find an accredited solicitor through the Association of Personal Injury Lawyers (APIL).

what next?

Contact details for the organisations mentioned above are on pages 18–21. The legal firm Irwin Mitchell provides an Age UK-branded independent legal service for subjects such as will-writing, family and relationships, personal injury, buying or selling a home, rights at work, power of attorney, probate and equity release. For information about Age UK Legal Services provided by Irwin Mitchell, call 0845 685 1076.


How to pay for advice

There are a number of ways in which you can pay for a solicitor. Many solicitors offer a free initial appointment so that you can explain the issue, and they can help you work out if, and how, you should proceed.

Legal aid

If you're on benefits or a low income, you may be able to get legal aid to help you with the costs of legal advice. Whether you can get legal aid depends on:

- the type of legal problem you have
- your income and capital
- your chances of winning
- whether it is worth the time and money needed to win.

 Ask your solicitor if you can get legal aid. In England and Wales, you can use the Community Legal Advice website to find solicitors who operate the legal aid scheme (see page 19). In Scotland, call the Scottish Legal Aid Board (see page 22). In Northern Ireland contact the Northern Ireland Legal Services Commission (see page 21).

If you are eligible for legal aid, you may still have to contribute to your legal costs. Ask your solicitor to explain when this could happen.

Hourly rate

Solicitors often charge by the hour. How much you pay depends upon the amount of time they spend on your case and their level of experience. If your solicitor charges in this way, ask for an estimate of how long the work will take. You can also think about ways to keep the cost down by preparing for meetings so that they are as brief and efficient as possible and keeping phone calls to your solicitor to a minimum.

Fixed fee

Solicitors will charge a fixed fee for some types of work, such as writing a will. Ask your solicitor if they offer a fixed fee for the type of advice you need.

Legal expenses insurance

You may have legal expenses insurance as part of your insurance policy. Check your policy or contact your insurer to see if you do, and if it covers your type of legal problem.

Your insurer may try to get you to use their firm of solicitors, but most policies allow you to choose your own, once they have decided to take the case on. However, by this point it may not be practical to change. If your insurer refuses to allow you to choose your own solicitor, speak to the solicitor you would like to use and they should be able to advise you what to do.

Bear in mind that most policies insist that you accept any offer to settle (as long as it is reasonable). If you want to continue the case, you may have to pay the rest of the legal costs yourself.

Conditional fee agreements

Conditional fee agreements, often known as ‘no win, no fee’, are when your solicitor will only be paid if your claim is successful. However, this does not mean that you do not have to pay anything if you lose your claim.

If you lose your claim, you will usually be responsible for paying the other side’s legal costs and expenses, and your solicitor’s expenses (for example, court fees or fees for reports etc.), which can be very high. Your solicitor can arrange insurance for you to cover this risk, known as ‘after the event’ insurance, but you will usually have to pay for it.

If you win your claim, the losing side will usually be ordered to pay your solicitor’s fees and expenses. However, the losing side may not have to pay all your costs or all of your solicitor’s ‘success fee’, in which case you will have to pay these.

Contingency fee agreement

This is another type of ‘no win, no fee’ agreement, which is common for taking cases to the employment tribunal. Under this type of agreement, if you win your case, you will usually have to pay your solicitor a pre-agreed percentage of the compensation that you have been awarded.

Before you enter into any type of ‘no win, no fee’ agreement, make sure you fully understand what you are agreeing to.

**what
next?**

If you need advice on a ‘no win, no fee’ agreement, contact your local CAB (see page 19).

Claims management companies

Claims management companies are businesses that deal with compensation claims for you. You have probably seen their adverts on the television.

Since 2007, claims management companies are regulated and must be authorised to operate lawfully. However, you should still be wary of using them. All the usual problems with 'no win, no fee' arrangements apply (see page 12).

Some companies' fees are extremely high, which leaves clients with little or none of their compensation after they have paid the bill. More importantly, the company's staff may have no formal legal training, which means they cannot take your case to court. As a result, they often try to persuade clients to settle, which usually means a lower amount of compensation. Claims management companies also don't have to have insurance, so if they make a bad mistake you may not be able to get compensation.

You're allowed 14 days to cancel an agreement with the claims management company. (There may be a cancellation fee but, according to the rules, this should be reasonable.)

what next?

Always check whether a company is authorised before you make an agreement. Contact the Claims Management Regulation Monitoring and Compliance Unit (see page 19 for contact details). And always make sure that you understand how much the fees will be and how much compensation you are likely to receive.

Advisers should be able to explain what your rights are, and advise you on ways to deal with the problem.



What to expect

Advice agencies

Advice agencies are usually staffed by professional advisers and/or trained volunteers. Many also employ some solicitors.

Advice agencies tend to be very busy and you usually have to wait a few weeks to get an appointment. If you go to a drop-in session, you should expect to have to wait.

When you do see an adviser, you should expect them to be courteous and competent. Advisers should be able to explain what your rights are, and advise you on ways to deal with the problem. Often they can also negotiate with the person or organisation causing you the problem, and write letters or make phone calls on your behalf. If they can't deal with your particular problem, they should be able to refer you to somebody who can.

Private solicitors

Solicitors are qualified lawyers. Solicitors' offices tend to be less busy and you don't usually have to wait long for an appointment.

You should expect solicitors to be courteous and competent too. They should explain things to you, so if there is anything you don't understand, don't be afraid to ask. They should be especially clear about how they charge.

If you ask a private solicitor to carry out work for you, they should write to you setting out the details of what you have agreed with them and how they will charge you.

When they give you a bill, it should show clearly what work they have done and how the charges are worked out.

How to prepare

When you arrange to see an adviser or solicitor, ask whether there are any documents you need to bring with you.

It is also a good idea to write a list of the issues you want to raise and questions you want to ask before you go, so that you can get the most out of the appointment. In addition to your own questions, you may want to ask the following:

- What are the chances of the case succeeding?
- How long is it likely to take?
- Are there any deadlines for taking action?
- What action will the solicitor/adviser take?
- Is there anything you could do to help?
- Will the person you meet be dealing with the case themselves? If not, who will it be?

If you are seeing a private solicitor, you should also consider asking:

- What will it cost to proceed?
- How will you pay for it? (see pages 10–12)
- Are you eligible for legal aid? (see page 10)

If you're hoping to get legal aid you should also take evidence of your income, such as benefit award letters, pay slips, or details of your pension.

**what
next?**

Make sure you have any paperwork that you need, and write a list of the things you want to discuss.

How to complain about your adviser or solicitor

If you're not satisfied with the service you receive (perhaps because there have been a lot of delays or the costs were unclear), you are perfectly within your rights to make a complaint. All advice agencies and solicitors' firms should have a good complaints procedure and should be able to give you details of it in writing if you ask.

When you make your complaint, be sure to explain not only what your complaint is about, but also what you want them to do about it. It is a good idea to keep a copy of your complaint and to make notes of any conversations you have about it.

If your complaint is about a solicitor, and you need help to complain, call the Legal Complaints Service (LCS) helpline.

In most cases, using the agency or firm's own procedure will be enough to resolve your complaint. However, if you are still not satisfied, the LCS can help resolve complaints about solicitors in England and Wales. The Scottish Legal Complaints Commission can help in Scotland, and in Northern Ireland, contact The Law Society of Northern Ireland.



You usually need to make your complaint within six months of becoming aware of the problem, or within six months of the end of the work the solicitor carried out.

**what
next?**

See pages 20–22 for contact details of organisations that can help resolve complaints about solicitors.

Useful organisations

Age UK

Age UK is the new force combining Age Concern and Help the Aged. We provide advice and information for people in later life through our Age UK Advice line, publications and online.

Age UK Advice: 0800 169 65 65

www.ageuk.org.uk

In Wales, contact

Age Cymru: 0800 169 65 65

www.agecymru.org.uk

In Scotland, contact

Age Scotland: 0845 125 9732

www.agescotland.org.uk

In Northern Ireland, contact

Age NI: 0808 808 7575

www.ageni.org.uk

Advicenow

An independent, not-for-profit website that provides free guides to solving law-related problems and links to the best other information available on the internet.

www.advicenow.org.uk

Association of Personal Injury Lawyers (APIL)

Helps you find an accredited personal injury solicitor.

Tel: 0115 958 0585

www.apil.org.uk

Citizens Advice Bureau (CAB)

A national network of advice centres offering free, confidential and independent advice face-to-face. Your local CAB may also be able to give advice by email or telephone. To find details of your nearest CAB in:

England or Wales, go to www.citizensadvice.org.uk

Northern Ireland, go to www.citizensadvice.co.uk

Scotland, go to www.cas.org.uk

CAB provides information on the law and your rights at www.adviceguide.org.uk

Claims Management Regulation Monitoring and Compliance Unit

Gives details of authorised claims management companies in England and Wales.

Tel: 0845 450 6858

(Monday to Thursday 9am to 5pm, Friday 9am to 4.30pm)

Email: info@claimsregulation.gov.uk

www.claimsregulation.gov.uk

Community Legal Advice (CLA)

Gives information about all the advice agencies and solicitors offering services under legal aid in your area. You can also find information about legal aid and check whether you qualify for it on the CLA website. England and Wales only.

Tel: 0845 345 4345

www.communitylegaladvice.org.uk

Consumer Direct

Provides information and advice on consumer issues.

Tel: 08454 04 05 06

Textphone: 08451 28 13 84

www.consumerdirect.gov.uk

Consumer Line

Offers free help and advice to consumers in Northern Ireland.

Tel: 0300 123 6262

www.consumerline.org

Law Centres Federation

Helps you find a law centre in your area. Law centres provide free specialist legal advice and representation.

Tel: 020 7842 0720

Email: info@lawcentres.org.uk

www.lawcentres.org.uk

The Law Society

Helps you find a solicitor who deals with problems like yours in your area. Use the search facility on its website or call The Law Society and it will search for you.

Tel: 020 7242 1222

www.lawsociety.org.uk

The Law Society of Northern Ireland

Handles complaints against solicitors in Northern Ireland.

Tel: 028 9023 1614

Email: info@lawsoc-ni.org.uk

www.lawsoc-ni.org

The Law Society of Scotland

Helps you to find a solicitor in your area.

Tel: 0131 226 7411
www.lawscot.org.uk

Legal Complaints Service

Helps resolve your complaint about solicitors in England and Wales. It can also help you to make a complaint using your solicitor's complaints procedure.

Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire CV32 5AE

Tel: 0845 608 6565
Email: enquiries@legalcomplaints.org.uk
www.legalcomplaints.org.uk

Northern Ireland Legal Services Commission

Helps you to find a solicitor in your area.

2nd Floor
Waterfront Plaza
8 Laganbank Road
Mays Meadow
Belfast BT1 3BN

Tel: 028 9040 8888
www.nilsc.org.uk

Patient Advice and Liaison Service (PALS)

Provides information, advice and support to help you complain about NHS services in England.

Tel: 0845 4647

www.pals.nhs.uk

Scottish Association of Law Centres

Represents law centres that provide legal advice across Scotland.

SALC Secretary

Renfrewshire Law Centre

65–71 George Street

Paisley PA1 2JY

Tel: 0141 561 7266

www.scotlawcentres.blogspot.com

Scottish Legal Aid Board

Helps you to work out if you qualify for legal aid and find legal aid solicitors in your area.

44 Drumsheugh Gardens

Edinburgh EH3 7SW

Tel: 0845 122 8686

Email: general@slab.org.uk

www.slab.org.uk

Scottish Legal Complaints Commission

Handles complaints about solicitors in Scotland.

The Stamp Office, 10–14 Waterloo Place

Edinburgh EH1 3EG

Tel: 0131 528 511

Email: enquiries@scottishlegalcomplaints.org.uk

www.scottishlegalcomplaints.org.uk

Can you help Age UK?

Please complete the donation form below with a gift of whatever you can afford and return to: Age UK, FREEPOST LON13041, PO Box 203, London N1 9BR. Alternatively, you can phone 0800 169 80 80 or visit www.ageuk.org.uk/donate. If you prefer, you can donate directly to one of our national or local partners. Thank you.

Personal details

Title:	Initials:	Surname:
Address:		
Postcode:		
Tel:	Email:	

By providing your email address and/or mobile number you are agreeing to us contacting you in these ways. You may contact us at any time to unsubscribe from our communications.

Your gift

I would like to make a gift of: £

I enclose a cheque/postal order made payable to Age UK

Card payment

I wish to pay by (please tick) MasterCard Visa CAF CharityCard
 Maestro American Express

(Maestro only)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Signature X
Expiry date	<input type="text"/>	/	<input type="text"/>	Issue no. (Maestro only)	<input type="text"/>	

Gift Aid declaration

(please tick) Yes, I want Age UK and its partner organisations* to treat all donations I have made for the four years prior to this year, and all donations I make from the date of this declaration until I notify you otherwise, as gift aid donations. I confirm I pay an amount of income tax and/or capital gains tax at least equal to the tax that the charity will reclaim on my donations in the tax year. Date: ___/___/___ (please complete). *Age Cymru, Age Scotland and Age NI



We will use the information you have supplied to communicate with you in line with Data Protection guidelines. Age UK (registered charity no 1128267) comprises the Charity, its group of companies and national partners (Age Cymru, Age Scotland and Age NI). If you would prefer not to hear from them or carefully selected third parties, let us know by phoning 0800 107 8977.

Most of us need to get legal advice at some point in our lives. An adviser or solicitor usually has a more in-depth understanding of the law or how it works in practice, and so can help you make your case in a more effective way.

What should I do now?

For more information on the issues covered in this guide, or to order any of our publications, please call Age UK Advice free on **0800 169 65 65** or visit **www.ageuk.org.uk/moneymatters**

Our publications are also available in large print and audio formats.

The following Age UK information guides may be useful:

- *Avoiding scams*
- *Wills and estate planning*
- *Tax guide*

Age UK offers a wide range of products and services specially designed for people in later life. For more information, please call **0800 169 18 19**.

If contact details for your local Age UK/Age Concern* are not in the box below, call Age UK Advice free on **0800 169 65 65**.



*Many local Age Concerns are changing their name to Age UK.

Age UK is a charitable company limited by guarantee and registered in England (registered charity number 1128267 and registered company number 6825798). The registered address is 207–221 Pentonville Road, London N1 9UZ. Age Concern England (registered charity number 261794) and Help the Aged (registered charity number 272786), and their trading and other associated companies merged on 1 April 2009. Together they have formed the Age UK Group, dedicated to improving the lives of people in later life. The three national Age Concerns in Scotland, Northern Ireland and Wales have also merged with Help the Aged in these nations to form three registered charities: Age Scotland, Age NI and Age Cymru. ID8807 11/10