

Factsheet 43

Getting legal advice

May 2019

About this factsheet

This factsheet helps you to get the legal help you need, including legal information and advice on civil matters (where you have a dispute with another individual or organisation). It does not cover criminal matters.

It covers free advice from local and national agencies and legal information on the internet, as well as getting paid advice from a solicitor or an independent financial adviser. It looks at options for paying for advice and has information on the Legal Aid scheme.

The information in this factsheet is applicable in England and Wales. If you are in Scotland or Northern Ireland, please contact Age Scotland or Age NI for their version of this factsheet.

Contact details for these and other organisation mentioned in this factsheet can be found in the *Useful Organisations* section.

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1 Free legal advice and information

There are many sources of free legal information and advice. Sometimes you may have to pay someone else to assist you to resolve a legal problem, but this is not always the case.

You might be able to find a local advice agency that can assist you, although for some problems you may need a solicitor. You may be able to find information through a telephone helpline or on the internet.

2 Local advice organisations

Advice from agencies in this section is usually free. Most only give advice and cannot represent you in court or at a tribunal. Check whether there are charges and whether they provide casework or representation.

2.1 Age UK

Your local **Age UK** should be able to offer or suggest reliable sources of information and advice. Many have their own information and advice service and can help with issues such as social care, welfare benefits and housing. In Wales, local **Age Cymru** agencies offer similar services.

To find your nearest local Age UK, call Age UK Advice on 0800 169 65 65 (free call, daily 8am to 7pm). In Wales, call Age Cymru Advice on 08000 223 444 (free call, Mon-Fri 9am-5pm).

Alternatively, visit www.ageuk.org.uk (England) or www.agecymru.org.uk (Wales) where information resources can be viewed and downloaded.

2.2 Citizens Advice

Citizens Advice are locally run charities operating in most areas of the country. They advise on a range of legal problems including debt, benefits, housing, employment and consumer problems. You should be able to obtain the address of your local Citizens Advice office from the library, your local authority, the telephone directory or on the Citizens Advice website.

2.3 Law Centres

Law Centres are independent, locally based charities providing free legal advice and representation in specific areas of social welfare law (e.g. welfare benefits, disability rights, housing, employment and debt). Some have rules about who is eligible for their services so ask if you qualify. Find out if there is one near you on the **Law Centres Network** website.

2.4 Independent advice services

Other independent advice services may provide free advice in your local area. You can find out about them through the **Advice UK** website.

2.5 Local authority advice services

Some local authorities operate dedicated advice services for local residents. A Welfare Rights Unit advises on welfare benefits. Money Advice Units advise on debt and consumer matters. Housing Offices can help if you are a council tenant; if you are threatened with repossession or eviction from a privately rented property; or if you need to join the Housing Register. Contact your local authority to find out what is available in your area.

Local Trading Standards officers can advise on consumer problems; for example, if you have problems with goods you bought or a dispute with a local tradesman. Contact your local authority for details or see www.gov.uk/find-local-trading-standards-office.

2.6 Legal Aid

Legal aid can help meet the costs of legal advice, family mediation and representation in a court or tribunal. You usually need to show that:

- your case is eligible for legal aid, and
- the problem is serious, and
- you cannot afford to pay the legal costs.

Legal aid services are provided by private practice solicitors, Law Centres and some Citizens Advice outlets. Legal aid is available for some legal problems but not for others. You can find legal aid providers in England and Wales at www.find-legal-advice.justice.gov.uk. You can search by geographical area and the subject you need help with.

If you have a legal problem or are affected by domestic violence, call the **Civil Legal Advice** (CLA) telephone gateway. There is a free translation service if English is not your first language.

The CLA adviser asks questions to find out if your problem is potentially within the scope of the Legal Aid scheme and whether you are potentially eligible for Legal Aid. If you are, you are transferred to another adviser; if not, the adviser can provide details of other local advice services. See section 6 for more information.

2.7 Pro bono advice services

'Pro bono' advice is where a solicitor or barrister works on your legal problem free of charge. The **LawWorks** scheme can arrange free initial advice on areas of social welfare law including employment, housing, consumer, debt, and welfare benefits. Their clinics are for people who are not eligible for legal aid but cannot afford to pay for a lawyer.

If an advice organisation cannot represent you at court or tribunal, they may still be able to refer you to dedicated organisation that can. These include the **Free Representation Unit** and the charity called **Advocate**.

2.8 Legal information on the internet

There is a lot of information on legal rights online. You may be able to find an answer to a question without having to seek further advice. Always check a website's credentials and make sure it applies to the country you live in. You should not be asked to pay for online services.

- <https://advice.local.uk> - Enter your postcode to find independent advice organisations offering advice on benefits, council tax, debt, housing and homelessness, employment, social care, and asylum and immigration.
- www.advicenow.org.uk - An independent, not-for-profit website providing information on legal rights and issues. It includes links to information provided by other organisations that has been checked to ensure information is accurate and up to date.
- www.citizensadvice.org.uk - The online Citizens Advice service provides information on legal rights, including benefits, work, debt and money, consumer, relationships, housing, discrimination, tax, healthcare, and education. They have factsheets and sample letters.
- www.gov.uk - UK Government website with information on public services and Government departments, including your legal rights.
- www.pensionsadvisoryservice.org.uk – An independent body providing free information and guidance on pension issues and pension disputes.
- www.wales.gov.uk - Welsh Government website. Devolved powers mean certain rights are different in Wales, including health services, housing and social welfare.

3 National and specialist agencies

Many organisations give free information and advice on specific issues. Some are public bodies, some are charities. They are not necessarily a substitute for a solicitor or other legal adviser and most do not offer casework.

See the *Useful organisations* section for contact details of organisations listed. Some may be able to tell you about lawyers who specialise in certain areas and who give advice free of charge.

3.1 Consumer issues

Citizens Advice Consumer Service provides advice and information on consumer issues.

Consumer watchdogs exist for gas and electricity (Ofgem), water (Ofwat) and telecommunications (Ofcom).

3.2 Debt

National Debtline is a telephone helpline that gives self-help advice, counselling and support. Free information packs are available.

Money Advice Service is a free independent service to help you manage your money better. They provide advice, tips and tools to help get your finances under control.

Step Change Debt Charity offer debt management advice by phone and online. They can draw up a repayment plan and propose it to creditors.

See factsheet 75, *Dealing with debt* for more information.

3.3 Disability

Disability Law Service provides free advice via information, factsheets, training courses and telephone and written advice on issues such as community care, housing, welfare benefits and employment.

The **Scope** Helpline provides free, independent and impartial advice and support on issues that matter to disabled people and their families.

An overview of disability rights is at www.gov.uk/rights-disabled-person.

3.4 Employment

Advisory, Conciliation and Arbitration Service (ACAS) is a publicly funded, independent organisation aiming to improve employment relations. Their website has useful information on employment rights. If you are considering making an employment tribunal claim, you must contact ACAS first, through their Early Conciliation service.

Trades Union Congress has information on employment rights on their Worksmart website and you can find the union most relevant to you.

Trade unions and professional associations give advice to members on employment law. Some unions arrange legal advice for members and their families. Contact your union to find out about their services.

3.5 Equality and human rights

Equality Advisory Support Service helpline gives information and guidance on equality issues such as age, disability, gender and race.

Liberty is an independent organisation giving information about the Human Rights Act 1998, with a focus on test cases.

The British Institute of Human Rights produces a guide to human rights for older people.

3.6 Health and social care

These organisations are complaints services that aim to resolve matters without litigation, rather than legal advice services.

In England and Wales

- **The Patients Association** runs a helpline to answer concerns and queries about any aspect of the Healthcare system.
- **Action Against Medical Accidents** supports patient safety and justice, with a team of medically and legally trained caseworkers to provide free and confidential advice following a medical accident.
- For complaints about the standard of care received in a care home or in your own home, your local authority has a complaints procedure and local advice agencies may be able to help with your complaint.

England

- **Patient Advice and Liaison Services (PALS)** provide information, advice and support on complaints about the National Health Service (NHS) in hospital. Note PALS do not cover GP services.
- **Healthwatch England** gathers and represents public views on health and social care. Find your local Healthwatch by contacting your local authority or search their website.
- **Independent Health Complaints Advocacy** is a free, impartial and independent advocacy service if you want to complain about NHS services. You can find your local advocate through Healthwatch.
- If you are concerned about the standards of care in a care home or your own home, contact the **Care Quality Commission**. Note, it does not investigate individual complaints.
- **The Relatives and Residents Association** helpline gives advice and support to older people in care homes, their relatives and friends.

In Wales

- **Community Health Councils (CHC)** provide information, advice and support with complaints about NHS services. You can get contact details from your hospital, clinic, GP or the NHS Wales website.
- Each CHC runs a **Complaints Advocacy Service** – a free, impartial and independent advocacy service for people wishing to make a complaint about NHS services and who require assistance.
- If you have concerns about the standard of care received in a care home, or social care in your own home, contact the **Care Inspectorate Wales**. Note it does not investigate individual complaints.
- Alternatively, if your issue concerns treatment arranged and/or funded by the NHS in Wales, you can contact **Healthcare Inspectorate Wales**.

3.7 Housing

Shelter is a charity giving advice on housing problems, such as homelessness, tenants' rights and poor housing conditions.

The **EAC online HOOP tool** can help identify the aspects of your home you find most difficult and you can request a call back from an adviser.

3.8 Immigration, nationality and asylum

You should only seek immigration advice from a regulated adviser. Contact the **Office of the Immigration Services Commissioner** to find a regulated qualified immigration adviser in your area.

The Aire Centre is a charity offering advice on specific areas of European Union and Human Rights law to advisers and the public.

3.9 Lesbian, gay, bisexual and trans issues

Stonewall is a charity for lesbian, gay, bisexual and trans people. It offers information and signposting to organisations providing advice and assistance.

For more information, see information guide, *Lesbian, gay, bisexual or trans* and factsheet 16, *Transgender Issues and later life*.

3.10 Pensions

Pension Wise and the **Pensions Advisory Service** offer help and information about pension planning. If you need advice about this, you should only speak to a regulated financial adviser. See section 12.

4 Mediation

Mediation is a way of resolving disputes without going to court. A mediator is an independent third party who does not take sides or make a decision about the problem, but is trained to help you and the other party reach a mutually acceptable solution through communication and negotiation.

Mediation is quicker and less formal than going to court and mediation meetings are completely confidential. It is voluntary and can be a constructive and helpful way of resolving disputes, particularly if you have an on-going relationship, for example, a landlord and tenant.

Mediators do not give legal advice, so you may also want to obtain independent legal advice from a solicitor or advice agency. Some mediation services are free e.g. neighbourhood mediation, while others charge, with costs usually shared equally between the parties.

If time limits apply for lodging a claim in court or with a tribunal (for example an employment tribunal), you should get independent advice before mediation to ensure you do not miss important time limits.

Providers of mediation services

Civil/commercial disputes: To find out about mediation services in your area, search the Civil Mediation Directory. This lists local and national civil and commercial mediation providers, all accredited by the **Civil Mediation Council**.

Family/divorce: Some solicitors and independent agencies offer family mediation for disputes involving family members, divorce or separation, or access to children. Contact the **Law Society**, the **Solicitors Regulation Authority** or the **Family Mediation Council**.

5 Ombudsman schemes

Some legal problems can be resolved by complaining to the relevant ombudsman. Ombudsmen consider complaints from citizens and consumers and can be a last resort when problems are not resolved through an organisation's own complaints procedure. Ombudsman services are free to use.

There are ombudsman schemes covering local government and Parliament, the Health Service, financial services, housing associations and many other areas. For example, if you have a dispute with your bank over your liability for credit card payments, you can complain to the **Financial Ombudsman Service**.

Although you do not have to use a solicitor to help you take a complaint to an ombudsman, it can be helpful to get independent advice. Contact the **Ombudsman Association** for details of independent ombudsmen.

6 Legal aid

Legal aid allows you to receive free legal advice and representation if your circumstances meet certain specified criteria. It is administered by the Legal Aid Agency (LAA).

This section covers two types of civil legal aid: **Legal Help** (section 6.2) and **Legal Representation** (section 6.3). It does not deal with criminal legal aid or other types such as public family law. Even if you are eligible, you may be required to pay a Statutory Charge (see Section 6.5).

6.1 Eligibility for legal aid

Legal aid eligibility is means-tested with limits for capital and income.

Legal Help and Legal Representation have different means-testing arrangements, including calculating disposable income.

You can use an online calculator to see if you are eligible for legal aid www.gov.uk/check-legal-aid.

Legal aid funding is potentially available for cases involving:

- community care
- debt and housing, if there is a threat of homelessness
- public family law e.g. care proceedings
- benefit appeals to the Upper Tribunal, Court of Appeal or Supreme Court
- mental health
- asylum
- actions against the police
- discrimination and public law cases against public bodies.

Eligibility depends on the type of legal case and its merits, including the prospects of success, the potential benefit of taking the case, the chances of recovering money claimed or the other party complying with an order, the costs compared to the benefits, the public interest and the level of legal help needed. A legal aid solicitor can explain how these apply to your case.

6.2 Legal Help

Legal Help covers general advice, writing letters, negotiating and preparing a written case to go to a tribunal but does not include representation at a court or tribunal. '*Representation*' means taking any steps in proceedings, for example signing court documents on your behalf, or appearing as your representative at a hearing.

6.2.1 Help at court

This allows for someone to speak on your behalf at certain court hearings, without formally acting for you in the whole proceedings. The eligibility requirements are the same as for Legal Help.

6.2.2 Means test for Legal Help and Help at Court

To qualify, your income and capital must be below certain levels. If you have more than £8,000 capital, or your gross income is more than £2,657 a month, you are not eligible. The rules are complicated and even if you have less money, you may not be eligible.

You are automatically eligible if you receive Guarantee Credit Pension Credit, Universal Credit, Income Support, income-related Employment and Support Allowance or income-based Jobseeker's Allowance. However, you still have to satisfy the capital means test.

6.3 Legal Representation

Help with Legal Representation allows you to be represented by a solicitor or barrister in civil proceedings. Costs may cover mediation if this is agreed as the course of action. You must consult a solicitor who can advise you whether you are likely to qualify for funding and sends an application for a funding certificate to the LAA on your behalf.

If your case is urgent, an emergency application can be made and in limited circumstances, some solicitors' firms are authorised to issue their own certificates. Seek advice urgently, especially if proceedings have been issued against you and there is a court hearing date.

6.3.1 Means test for legal representation

Representation in proceedings related to mental health (such as deprivation of liberty cases and the Mental Health Review Tribunal) is available regardless of your financial circumstances. There are different rules for asylum seekers and refugees in cases before the Asylum and Immigration Tribunal. Your solicitor or adviser can advise on eligibility in these situations.

If you apply for any other type of Legal Representation, you must satisfy a means test for income and capital. The rules are complex, with different limits. Legal Representation may be offered subject to payment of a contribution. It is common for a funding certificate to be limited to a certain amount of work, after which your solicitor has to obtain authority from the LAA before they can incur further costs.

The LAA look at your net income after tax and National Insurance, less allowances for dependants and certain other expenditure such as housing costs. You are eligible if you have a disposable monthly income of £733 or less. The capital limit is £8,000. The first £100,000 of a home is ignored when calculating capital but other capital assets such as jewellery or savings are taken into account.

There are detailed rules about calculation of disposable income and calculation of capital – ask your adviser about them. The income and capital of your spouse or partner who you live with is taken into account unless they are the subject of a dispute. There are provisions for re-determining eligibility on financial grounds if your circumstances change.

6.4 People aged over 60 and funding for Legal Aid

If you or your partner is over 60 and on a low income, you may qualify for funding (Legal Help, Help at Court and Legal Representation) even if you have capital over the limits.

This is because, in some cases, older people are allowed to have higher amounts of capital, so check with your solicitor. The amount of capital that can be disregarded depends on your monthly income (see overleaf).

If you (or partner or spouse) is aged 60 or over and your disposable income is less than £315 per month, capital disregards apply as follows:

Monthly disposable income	Amount of capital disregarded
£0–25	£100,000
£26–50	£90,000
£51–75	£80,000
£76–100	£70,000
£101–125	£60,000
£126–150	£50,000
£151–175	£40,000
£176–200	£30,000
£201–225	£20,000
£226–315	£10,000
Over £315	Nil

6.5 Paying back legal aid (*'the statutory charge'*)

If you receive legal aid for Legal Representation and the result of your case is you keep or gain money or property, you usually have to pay back some or all of the costs of your case. This is called the statutory charge. It does not apply to Legal Help or Help at Court.

At the end of your case, any money you are awarded is normally paid to your solicitor. The LAA takes what has been spent on your solicitor out of the award and you receive anything left over. Payment of the statutory charge can be postponed if:

- a property you won is your home or the home of your dependants
- money you won will be used to buy a home for yourself or dependants.

Make sure your solicitor or adviser gives you full details about the effects of the statutory charge before you decide to go ahead with your case. It is in your interests to keep your costs to a minimum and for an order to be obtained for your opponent to pay your costs, as this keeps down the amount you have to pay as the statutory charge.

Maintenance payments, state benefits and tax credits are exempt from the statutory charge. If you win a case on eligibility for benefits, you do not have to pay back the statutory charge from those benefits.

The LAA can let your adviser waive all or part of the statutory charge if paying causes you grave hardship or distress, or it is unreasonably difficult to recover the charge, due to the nature of a property.

7 Paying for legal advice and representation

There are options for paying for work done by a solicitor. Make sure you have considered which option is most suitable for you. Solicitors have a duty to let you know if you are eligible for legal aid.

In a range of services, solicitors must tell you in advance the price of the service and what you get for it. These include conveyancing, probate, motoring offences and immigration (except asylum claims).

7.1 Fixed fees

Some types of standard work, such as conveyancing and preparation of simple wills, are charged by fixed fee. You should be told what the fixed fee is at the outset, what services will be undertaken, and this should be confirmed in writing.

A fixed fee usually excludes extra expenditure in connection with the transaction, such as local authority search fees or Land Registry fees. These are called '*disbursements*' and are added to the bill unless otherwise agreed. VAT is payable. If you pay privately for one-off advice, ask your solicitor if they will consider charging a fixed fee.

7.2 Charges based on hourly rate

For cases where the amount of work involved is less easy to predict, a common arrangement is for a solicitor to charge an hourly rate for time spent, including time spent with you in person and on the phone, plus any disbursements such as medical reports or barrister's fees. VAT is payable on solicitors' bills and on most (but not all) disbursements.

The hourly rate varies depending on the location of the solicitor, the type of work being done and the level of experience of the solicitor. If a partner of a firm handles your case, you get the benefit of their experience but they are likely to charge more than a less senior solicitor.

If a solicitor cannot give a definite figure for costs at the outset because they do not know how long a case will take, they should tell you their hourly rate and provide an estimate of costs. Ask for this to be confirmed in writing together with details of the work they are carrying out for you.

Your solicitor has a duty to keep you informed about costs as your case progresses.

Limiting the amount of costs

You may wish to limit the costs in your case, in which case the solicitor must contact you once the limit is reached and get your agreement before doing anything else. Arrangements should be confirmed in writing. You can ask to be billed regularly, rather than at the end of the case.

Payment in advance

If you pay privately, the solicitor is likely to ask for some money in advance. This is known as '*money on account*'. Sometimes this is to pay for disbursements or it may be requested as an advance payment for their costs. The solicitor must place the money in a separate account, known as the '*client account*'.

Disbursements

If a solicitor states that fees will be '*plus disbursements*', any expenditure to third parties, e.g. local authority searches, Land Registry fees, medical reports, etc, are charged on top of the solicitor's own fees.

7.3 Legal expenses insurance

You can take out '*before the event*' legal expenses insurance to cover the cost of certain types of legal action. However, an insurer is unlikely to agree to cover the cost of any disputes you already knew about at the time of taking out the insurance.

You may have legal expenses insurance as part of an existing insurance policy such as your household contents policy. Check policies or contact your insurer to find out if you are covered. Depending on the terms of the policy, legal expenses insurance can cover all legal costs and other expenses. An insurer may try to insist you use a particular solicitor but you have the right to your own choice of solicitor once legal proceedings start. Your solicitor should be able to advise you about this.

If you do not have legal expenses insurance and your claim proceeds under a conditional fee arrangement, the solicitor is likely to recommend an '*after the event*' insurance policy to sign alongside this agreement, to cover any additional costs that arise.

7.4 Conditional fee agreements (CFA, or '*no win, no fee*')

Note

Conditional fee agreements can be long and complex documents. If you do not fully understand what the agreement means, ask your solicitor to explain it. Consider using a different solicitor if you are still not clear. Alternatively, seek advice from an experienced adviser at Citizens Advice or similar agency.

A conditional fee agreement (CFA), or '*no win no fee*', is often used for personal injury cases (compensation claims for injury due to someone else's fault). They can be used in other civil cases, except family proceedings. Normally you cannot get legal aid if your claim can be funded through a CFA. Think very carefully before entering a '*no win, no fee*' agreement. Whether you win or lose, you may still have something to pay and this is often much higher than you expect.

Under a CFA, the solicitor acts on the basis that you only pay their costs if you win. This does not mean there is nothing to pay if you lose. You are responsible for paying your opponent's legal costs and expenses if you lose, as well as any out-of-pocket expenses your own solicitor has incurred e.g. the cost of an expert report.

Your solicitor should be able to arrange '*after the event*' insurance to cover the risk of losing your case and being responsible for your opponent's costs. It is extremely risky to proceed with a CFA without an insurance policy and a solicitor may refuse to do so.

If you win, the costs include a '*success fee*' in addition to usual legal costs. Your opponent is usually ordered to pay your legal costs, but in almost all cases, this does not include the success fee or insurance premium. You are liable to pay the success fee, up to a capped maximum amount and the insurance premium, so it is important to ask your solicitor how much this may be at the outset of your case.

Your opponent must be informed in advance that you have a CFA and insurance policy for you to be able to claim back your costs. In addition, the court may decide your opponent does not have to pay the full amount your solicitor is charging or they may not have the money to pay.

You are responsible for paying any shortfall. It is important to ask your solicitor for an estimate of what might be payable to meet a shortfall in their costs if your case is successful.

Contingency fee agreements

A contingency fee agreement is another type of '*no win, no fee*' agreement. Under this agreement, you do not pay your own legal costs if you lose your case. If you win, you pay your solicitor a percentage of the compensation awarded or the amount you settle the case for. You should ask your solicitor for details of when you could be responsible for their costs or your opponent's costs.

If your case is successful, you recover your costs from your opponent. You are responsible for any shortfall between the amount your opponent pays for your solicitor's costs and the agreed damages based agreement fee. You are liable to pay any shortfall in respect of disbursements.

Contingency fee agreements for solicitors must be drafted in a particular manner clearly stating the fee payable, the reason why it is payable, how the agreement may be terminated, sources of funding, and details on the right to challenge fees in case of disagreement.

8 Solicitors

Solicitors deal with a range of legal matters such as buying and selling property, business matters, wills, criminal cases, family problems and accident claims. Not all solicitors' firms cover all types of work, so ensure the solicitor has experience in the relevant area.

8.1 How to find a solicitor

The online **Legal Aid Finder** <https://find-legal-advice.justice.gov.uk/> provides details of Legal Aid solicitors. **The Law Society** has details of local solicitors, including the types of law in which they specialise. See www.lawsociety.org.uk/find-a-solicitor.

Solicitors for the Elderly is an independent, national organisation of lawyers, such as solicitors, barristers, and chartered legal executives who provide specialist legal advice for older and vulnerable people, their families and carers. They have an online directory on their website.

Agencies such as Age UK or Citizens Advice may be able to give you the names of local solicitors who specialise in areas of law but they cannot recommend particular firms.

Some firms offer a free initial interview to discuss your case, give you some basic advice and let you know if they can act for you. Check whether you will be charged for this initial meeting.

8.2 Checklist of questions to ask a solicitor

This is not an exhaustive list as the questions you ask depend upon the nature of your problem:

- How much will it cost and how long is it likely to take?
- Are there alternatives to legal action?
- Is mediation possible?
- Is legal aid available for the case? If so, are you eligible?
- What are the chances of success?
- Could you be liable for the other party's costs?
- Is there any risk of other adverse consequences?
- Are there any deadlines for taking action?
- Will the person you meet be dealing with the case themselves? If not, who will it be? What experience and qualifications do they have?
- What are the next steps?

9 Commercial non-solicitor organisations

A growing number of commercial organisations, run by people who are not legally qualified, offer legal services such as will writing. These organisations are not governed by any independent regulatory body and are not subject to the same degree of regulation as solicitors' firms or charitable and publicly funded organisations.

If considering using one of these organisations rather than a solicitor to write a will, make sure they have public indemnity insurance to provide compensation if they make a mistake. Check they have an adequate complaints procedure. Check the qualifications and experience of the person providing the service. Make sure you are satisfied with the arrangements for safekeeping your will.

Claims management

Another area where services are offered by commercial non-solicitor organisations is claims management, where they act as an intermediary if you claim compensation, often for personal injury cases. They often advertise themselves as acting on a '*no win, no fee*' basis.

Companies and individuals offering claims management services must be authorised if they deal with claims relating to personal injury, employment, housing disrepair, financial products or industrial injury disablement benefits.

The Financial Conduct Authority (FCA) regulates the activities of claims management companies. You can check whether a company is registered with the FCA at www.fca.org.uk/consumers/using-claims-management-companies and you can also register complaints.

10 Barristers

Traditionally, barristers were not permitted to accept instructions directly from the public. Since 2004, the Bar Public Access Scheme lets some barristers who satisfy the bar pro bono unit's qualification requirements take on cases directly from the public.

There are limitations on barristers taking public access work. For example, if it is in your best interest to instruct a legal aid solicitor, based on the nature of your case, the barrister must refer you to such a solicitor.

Under this scheme, when accepting instructions, barristers must inform you about the nature of the work they will do for you, costs and contact arrangements. The barrister is not allowed to write or receive letters on your behalf, sign documents or handle money for you but can advise you in respect of your case and appear in court on your behalf.

For information on the Bar Public Access Scheme, contact the **Bar Council**.

11 Complaints about your solicitor or adviser

If you are unhappy about how much your solicitor wants to charge you, or the standard of their work, your first step is to complain to them. All solicitors' firms must have a complaints procedure. You should be given a copy of your solicitor's complaints procedure at the outset of the work but, if not, request a copy.

If you are not satisfied with how the solicitor deals with your complaint, contact the **Legal Ombudsman**. This is an independent organisation responsible for handling complaints against solicitors. The service is free and their decisions are final. They can order the solicitor to reduce your bill or pay you compensation. You should contact them within six months of the date of your solicitor's final response to your complaint.

If your complaint is about a barrister instructed under the Bar Public Access scheme, complain in writing to the **Bar Council**. If your complaint is about an advice agency, use their complaints procedure.

11.1 What to do if you don't agree with your solicitor's bill

The amount you have to pay depends on what was agreed under the contract between you and your solicitor. You are only liable to pay once a bill has been delivered. At the outset of your case, your solicitor has a duty to provide you with full information about the unit charge for work to be carried out and an estimate of the amount of time required to carry out the work or the amount of money it is likely to cost.

Your solicitor has a duty to provide you with a final bill that complies with the information given to you at the start about the likely cost of the work.

Assessment of solicitor's bill of costs

If you are unhappy about your bill, you can complain to the solicitor and then to the **Legal Ombudsman** or you can apply to have the bill assessed by a court.

To apply to the court for a '*detailed assessment*', you should apply within one month of the date of the bill. You can apply up to one year after the date of the bill if you have not paid it but the court does not have to agree to assess the bill, it is at their discretion. The process is lengthy and involves a detailed bill of costs being submitted to the office of the relevant court for approval. You may incur extra costs doing this and you should get advice from another solicitor or advice agency to see if it is worthwhile.

The Legal Ombudsman provides an information and complaint service that includes disputes about solicitors' bills. Their guide '*Ten questions to ask your Lawyer about costs*' (at www.legalombudsman.org.uk/downloads/documents/publications/consume-Guide-Costs.pdf) has information on what to look out for in solicitors' bills.

12 Independent financial advice

If you are considering taking advantage of pension freedoms, investing money or taking out a mortgage, you should seek advice from a regulated independent financial adviser. There are many different financial products available and choosing between them can be difficult.

A financial adviser helps with areas such as:

- planning for retirement
- investing and saving money
- options for lump sums such as a redundancy payment or inheritance
- buying a property and taking out a mortgage
- significant life changes such as getting divorced or being widowed.

12.1 Advice or guidance?

Pension Wise and **The Pensions Advisory Service** offer guidance, which is different to financial advice. It is information about your options but they cannot not recommend any particular choices. For example, if you want to invest a lump sum, someone giving guidance sets out your options in general and the pros and cons of different savings accounts, ISAs and investments. They do not tell you about specific products offered by named companies or the product that might suit you best.

Financial advice informs you of specific products best suited to your needs. A financial adviser looks at specific savings accounts, investments and ISAs and recommends specific products to best suit your circumstances.

Guidance services are not regulated by the **Financial Conduct Authority** (FCA). If things go wrong with your financial choices, you may not be able to complain to the Financial Ombudsman Service or Financial Services Compensation Scheme. If unsure whether you are receiving guidance or advice, ask the adviser or organisation to explain.

12.2 Types of financial adviser

Financial advisers look at your personal circumstances and your financial plans and recommend products to meet your needs. There are two types of adviser:

- **independent financial advisers** (IFAs) offer impartial advice about a variety of financial products from different companies
- **restricted advisers** give advice on a limited range of products and may specialise in one area, for example pensions or certain products offered by a limited number of companies.

It is usually best to get independent financial advice so you can see the widest range of advice and products available.

Financial advisers should have either Level 4 or above of the national Qualifications and Credit Framework or a Statement of Professional Standing (SPS). They must sign a code of ethics and complete at least 35 hours of professional training a year. SPS certificates must be renewed annually so check your adviser's is up-to-date.

All financial advisers should be registered with the FCA. This means they meet the appropriate standards and you are protected if unhappy with their service. You can complain to the **Financial Services Ombudsman** and may be able to claim compensation. If a financial adviser is not registered with the FCA, you can complain to the FCA.

Do not be afraid to ask an adviser about their qualifications and Statement of Professional Standing. To check whether a financial adviser is FCA-registered see www.fca.org.uk/firms/financial-services-register

12.3 Finding an independent financial adviser

To get advice on the widest range of products and compare costs, you should look for an IFA. The **Money Advice Service** has an IFA finder tool on their website if you want to find one. The following agencies can put you in touch with a qualified adviser in your area:

- **Personal Finance Society** www.findanadviser.org - independent and restricted advisers
- **SOLLA** <http://societyoflaterlifeadvisers.co.uk> – independent and restricted ‘*whole of market*’ advisers specifically aimed at older people
- **Unbiased** www.unbiased.co.uk – independent and restricted ‘*whole of market*’ advisers
- **VouchedFor** www.vouchedfor.co.uk - independent advisers.

Restricted ‘*whole of market*’ means advisers offering products from all companies but specialising in areas such as pensions. They may not charge for their advice if they work for an institution such as a bank.

You may have an existing relationship with your bank or building society and trust them, so feel more comfortable seeking their advice. This is restricted advice. If you do this, be aware that there may be other products from other companies that are cheaper or better suited to you.

12.4 Meeting a financial adviser

When you meet an adviser, they should give you the right kind of advice for your financial needs. Any financial products recommended should:

- be affordable
- take account of whether you want long or short term savings options
- be suitable for level of risk you want
- take account of your tax status.

If an adviser ignores these guidelines and recommends products not suitable and you later lose money, you can complain. An adviser only has to give the right kind of advice within the limits of what they are qualified to do.

If you see a restricted adviser, they only recommend products from the range they sell. They do not have to tell you about similar products from other companies at cheaper prices. If you find this out later, you cannot complain.

This is why it is often better to use an independent financial adviser who looks at products across the whole market. If a financial adviser cannot find a product to suit your needs, they must refer you to another adviser who can help. If they do not, you may be able to complain.

12.4.1 Checklist for your first meeting with an IFA

Among the things to check before you meet an IFA are:

- check the adviser is qualified
- take notes of what you discuss
- ask questions to ensure you understand everything
- think about your decision – you do not have to sign on the spot
- answer questions honestly, so they recommend suitable products
- is personal information kept confidential and is it used for marketing?

At your first meeting with an adviser, you should be given clear information on what they offer, including:

- are they independent or restricted? If restricted, they should tell you how
- the level of advice you will receive
- how much you have to pay.

They should provide a key facts document containing details of:

- the adviser or firm you are using and their services
- products recommended to you
- your right to change your mind and how long you have to do this
- your right for further information or an explanation if you do not understand something
- how to complain if unhappy with the service or product
- who they are authorised and regulated by
- the cost of the service and/or product.

If the adviser does not give you this information, ask them for it.

12.5 Paying for independent financial advice

You have to pay for financial advice and you may have to pay charges on the financial products you buy. Make sure you understand all costs involved and compare fees and investment charges between different advisers before you make a final decision. You may be able to get the same product at a cheaper price elsewhere.

IFA advice can be charged as:

- hourly rates
- set fees according to the work involved
- monthly retainer
- percentage of the money invested.

Your adviser should explain how much their advice costs and you need to agree how you will pay. You can pay upfront or the adviser may agree to take it from money invested. Your adviser should set out the charges clearly and ensure you understand how much you are paying.

Fees vary from adviser to adviser, so shop around for the best deal. There may be extra charges for looking after investments or providing advice on a regular basis.

12.6 Complaints about independent financial advisers

You cannot complain if your investment does not make as much money as you hope. If, however, you lose money due to bad advice, wrong or misleading information or poor administration, you can complain to the adviser. You must follow their complaints procedure. If you are not satisfied with the response, where you complain to next depends on who gave the advice.

If the adviser is authorised by the **Financial Conduct Authority (FCA)**, you can complain to the Financial Ombudsman. There is a complaints form you can download from www.financial-ombudsman.org.uk and send to them.

Call their consumer helpline to find out if the Financial Ombudsman can deal with a complaint about a company not authorised by the FCA.

If you received financial advice from a solicitor or accountant authorised by the FCA to give financial advice, you may need to take your complaint to the professional body regulating them. If you are not sure where to complain, contact the FCA consumer helpline.

Useful organisations

Action Against Medical Accidents

www.avma.org.uk

Telephone helpline 0845 123 23 52 Mon–Fri 10am–3.30pm

Charity for patient safety and justice, provides free independent advice and support to people affected by medical accidents.

Advice UK

www.adviceuk.org.uk/looking-for-advice/

Telephone 0300 777 0107

National network of independent advice agencies.

Advisory, Conciliation and Arbitration Service

www.acas.org.uk

Telephone helpline 0300 123 1100 Mon-Fri 8am-6pm

Independent organisation aiming to improve employment relations.

Advocate (formerly the Bar Pro Bono Unit)

<https://weareadvocate.org.uk/>

Telephone 020 7092 3960 Monday, Wednesday and Friday 10:15am-2.45 pm

Charity connecting people who need legal advice and mainly representation with barristers volunteering their services. The service is free but you must be referred into it through a local Citizens Advice, Law Centre or your MP's surgery.

Aire Centre

www.airecentre.org

Telephone 020 7831 4276

Provide advice on specific areas of EU and Human Rights law.

The Bar Council

www.barcouncil.org.uk

Telephone 020 7242 0082

Represents barristers in England and Wales.

British Institute of Human Rights

www.bihar.org.uk/olderpeopleguide

Telephone 020 7882 5850

Charity promoting human rights in Britain.

Care Quality Commission

www.cqc.org.uk

Telephone 03000 616 161 (free call)

Independent regulator of adult health and social care services in England.

Care Inspectorate Wales

www.careinspectorate.wales

Telephone 0300 7900 126

Oversee inspection and regulation of care and social services in Wales.

Citizens Advice

www.citizensadvice.org.uk

Telephone 0344 411 1444 (England)

Telephone 03444 77 20 20 (Wales)

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Citizens Advice Consumer Service

www.citizensadvice.org.uk/consumer

Telephone helpline 03454 04 05 06 Mon-Fri 9am-5pm

Welsh telephone helpline 03454 04 05 05 Mon-Fri 9am-5pm

Civil Legal Advice (CLA)

www.gov.uk/civil-legal-advice

Telephone 0345 345 4 345

Telephone online gateway for legal aid applications.

Civil Mediation Council

www.civilmediation.org/

Telephone 07841 017905

Provides online directory listing local and national civil and commercial mediation providers, accredited by the Civil Mediation Council.

Community Health Councils (CHCs) Wales

www.nhsdirect.wales.nhs.uk/localservices/communityhealthcouncils

Telephone 0845 46 47

CHCs are a statutory and independent voice in health services in Wales. Each CHC runs a Complaints Advocacy Service.

Disability Law Service

www.dls.org.uk

Telephone 020 7791 9800

Free, confidential legal advice to disabled adults, their families and carers.

EAC Online HOOP tool

<https://hoop.eac.org.uk/hoop/start.aspx>

Provides information on housing options for older people.

Equality Advisory Support Service

www.equalityadvisoryservice.com

Telephone helpline 0808 800 0082 Mon-Fri 9am-7pm, Sat 10am-2pm

Funded by the Equality and Human Rights Commission, the EASS Helpline provides information and advice about the *Equality Act 2010*.

Family Mediation Council

www.familymediationcouncil.org.uk

Telephone 01707 594055 Monday – Friday 9am-3pm

A database of family mediation organisations in England and Wales.

Financial Conduct Authority

www.fca.org.uk

Telephone consumer helpline 0800 111 6768 (free call) Mon-Fri 8am-6pm Sat 9am-1pm

Regulatory body for independent financial advisers.

Financial Ombudsman

www.financial-ombudsman.org.uk

Telephone helpline 0800 023 4 567 (free call) Mon-Fri 8am-8pm Sat 9am-1pm

Deal with complaints about financial advisers and institutions.

Free Representation Unit

www.thefru.org.uk

Telephone 020 7611 9555

Provide legal advice, case preparation and advocacy in tribunal cases for those who cannot otherwise afford or access it, referrals only.

Healthcare Inspectorate Wales

www.hiw.org.uk

Telephone 0300 062 8163

Healthcare regulator for Wales - although they cannot act for individual complaints, you can highlight areas of concern.

Healthwatch England

www.healthwatch.co.uk

Telephone 03000 68 3000

Search the website for your local Healthwatch service.

Independent Age

www.independentage.org

Telephone helpline 0800 319 6789 Mon-Fri 8am- 8pm, Sat-Sun 9am-5pm

A charity providing free advice on benefits, home care, care homes and NHS services for older people, their families and professionals.

Law Centres Network

www.lawcentres.org.uk

Telephone 020 3637 1330

Find if there is a Law Centre near you via the website. Law Centres Network does not give advice directly to the public.

Law Society

<http://solicitors.lawsociety.org.uk>

Telephone 020 7320 5757

Searchable database of regulated solicitors in England and Wales.

LawWorks

www.lawworks.org.uk

Charity who connect volunteer lawyers with people needing advice.

Legal Aid Agency (LAA)

www.gov.uk/government/organisations/legal-aid-agency

Telephone 0300 200 2020

The LAA runs the legal aid schemes in England and Wales.

Legal Ombudsman

www.legalombudsman.org.uk

Telephone 0300 555 0333

Deal with complaints about legal services in England and Wales.

Liberty

www.liberty-human-rights.org.uk/get-advice

Telephone helpline 020 3145 0461 or 0845 123 2307

Liberty gives advice to members of the public on human rights issues.

Money Advice Service

www.moneyadviceservice.org.uk

Telephone 0800 138 7777 (free call) Mon-Fri 8am-8pm

Independent service offering money advice and guidance.

National Debtline

www.nationaldebtline.co.uk

Telephone helpline 0808 808 4000 (free call) Mon–Fri 9am–8pm, Sat 9.30am–1pm

Free, independent and impartial debt advice.

Office of the Immigration Services Commissioner

www.gov.uk/find-an-immigration-adviser

Telephone 0345 000 0046

Regulates UK immigration advisers, can search for local advisers.

Ombudsman Association

www.ombudsmanassociation.org

Helps find you the right ombudsman to deal with your complaint.

Patient Advice and Liaison Service (PALS)

www.nhs.uk and search for PALS

To find your nearest PALS, contact NHS advice using 111 or ask your local hospital, clinic or GP surgery.

Patient's Association

www.patients-association.com

Telephone helpline 020 8423 8999

Independent helpline answering queries about the Healthcare system.

Pension Wise

www.pensionwise.gov.uk/en

Telephone 0800 138 3944

Independent guidance and information about pensions.

Public Access Bar Association

www.paba.org.uk

Represents barristers offering direct legal services to the public.

Relatives & Residents Association (The)

www.relres.org

Telephone 020 7359 8136

The Relatives & Residents Association gives advice and support to older people in care homes, their relatives and friends.

Scope

www.scope.org.uk/support/disabled-people/local/about

Telephone helpline 0808 800 3333 Mon-Fri 9am-5pm (free call)

Provide free, independent and impartial information and support on issues affecting disabled people and their families.

Shelter

www.shelter.org.uk

Telephone 0808 800 4444 Mon-Fri 8am-8pm Sat 8am-5pm (free call)

Charity providing advice on housing problems in England.

Shelter Cymru

www.sheltercymru.org.uk

Telephone 0345 075 5005 Mon-Fri 9.30am-4.30pm

Charity providing advice on housing problems in Wales.

Solicitors for the Elderly

www.sfe.legal/

Telephone 0844 567 6173

Network of solicitors, barristers, and chartered legal executives providing specialist legal advice for older people, their families and carers.

Solicitors Regulation Authority

www.sra.org.uk

Telephone 0370 606 2555

Provides details of solicitors in your area and assist if you need to complain about a solicitor.

Step Change Debt Charity

www.stepchange.org

Telephone helpline 0800 138 1111 Mon-Fri 8am-8pm Sat 8am-4pm (free call)

Provides advice on debt and money management issues.

Stonewall

www.stonewall.org.uk

Telephone information line 08000 50 20 20 Mon-Fri 9.30am-5.30pm

Provides information and campaign on issues affecting lesbian, gay, bi and trans people.

Trades Union Congress (TUC)

www.tuc.org.uk

www.worksmart.org.uk

Telephone 020 7636 4030

Umbrella body for trade unions in Britain. Worksmart lets you find the most appropriate union for your employment.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0800 022 3444

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

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The evidence sources used to create this guide are available on request.
Contact resources@ageuk.org.uk

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