

# Advocacy

## Finding Advice & Support

In this issue we take a closer look at various sources of advice and support. There have been quite a few changes recently to support and advice organisations and criteria for accessing them. Notably, there have been some significant changes to eligibility criteria for legal aid.

### About Legal Aid

#### *What areas of law are covered by Legal Aid?*

Legal Aid is available for certain areas of law, provided that you are financially eligible. In England & Wales, these include:

- Community care
- Actions against public authorities
- Mental health
- Judicial review
- Special educational needs
- Discrimination
- Public family law regarding the protection of children
- Housing, *but only* where the home is at immediate risk, homelessness assistance, housing disrepair cases that pose a serious risk to life or health, and anti-social behaviour cases;
- Welfare Benefits, *but only* for appeals on the grounds that there has been an error of law.

#### *Am I Financially Eligible for Legal Aid?*

This depends on your circumstances. The Legal Aid Agency will look at your disposable income (the money you have left after paying basic living expenses) and your disposable capital (any savings, property, investments or valuable belongings that you could use or sell to pay for a lawyer).

So you will have to provide information about income, savings, and whether or not you own your home, have a mortgage, and receive a pension. Dependent children will be taken into account. If you have a partner, you will also have to provide information about their financial position.

You can obtain guidance on legal aid at [www.gov.uk/legal-aid](http://www.gov.uk/legal-aid) and on eligibility by completing the on-line legal aid checker at <https://www.gov.uk/check-legal-aid> The Public Law Project (see below) also provide guidance on eligibility for Legal Aid.

#### **Exceptional Funding**

On 1 April 2013, major changes were made to the legal aid system. As a result of these changes a number of areas of law that were previously eligible are no longer automatically eligible for legal aid. These include Housing and Welfare Benefits, with the exceptions noted above.

If you have a case falling within an area of law affected by the changes, the only way that you may be able to get legal aid is via exceptional funding.

Exceptional funding will be available to people whose human rights or European Union rights would be breached if they did not have legal aid. According to the Public Law Project (see below), the most relevant human right in this context is Article 6 of the European Convention. This guarantees the right to a fair hearing when someone's rights and obligations are being determined. This means that where the refusal of legal aid would make it practically impossible for someone to bring their case or would result in obvious unfairness in the proceedings, legal aid may have to be provided under Article 6.

Other human rights may also require the provision of legal aid, including the right to a private and family life under Article 8 of the European Convention and the right not to be tortured, or treated in a way that is inhuman or degrading under Article 3.

The Government intends this to be a high threshold and envisages that only a small number of cases will get exceptional funding. However the Public Law Project (see below) is running an Exceptional Funding Project and may be able to assist.

### **The Public Law Project**

The Public Law Project (PLP) is an independent legal charity which aims to improve access to public law remedies for those whose access is restricted by poverty, discrimination or other similar barriers. The PLP runs a telephone advice line to answer queries about exceptional funding and civil legal aid generally.

The PLP Resources Library includes a section on Community Care and can be browsed in the Resources section of their website. There is also guidance on *'Making an Effective Complaint to a Public Body'*.

**The Public Law Project**  
**Advice Line (free): 0808 165 0170**  
10am to 11am on Mons, Tues, Weds and Fridays.  
**[www.publiclawproject.org.uk/](http://www.publiclawproject.org.uk/)**  
150 Caledonian Road, London N1 9RD

### **Civil Legal Advice**

Civil Legal Advice (CLA) is provided by the Justice Department, and gives free and confidential legal advice to people who are eligible for legal aid. The CLA website provides a facility to input the information required to find out if you are eligible for legal aid.

**CLA Advice Line: 0845 345 4345**  
Mon to Fri 9 am to 8 pm; Sat 9 am to 12.30 pm.  
This is a business rate number. However you can ask for a free call back using on line form: <http://callmeback.justice.gov.uk> or by texting 'legalaids' and your name to 80010.]  
**[www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)**

Also at the Justice Department, advice on legal rights with respect to a wide range of issues is provided at:

**[www.gov.uk/browse/justice/rights](http://www.gov.uk/browse/justice/rights)**

Here you can find out about Disability Rights, the Definition of Disability under the Equality Act 2012, the Right Not to be Discriminated Against, and how to make a Freedom of Information Request.

### **Disability Law Service**

The Disability Law Service (DLS) is a long established charity covering England & Wales providing information and advice on certain areas of the law including:

- Community Care;
- Disability Discrimination;
- Special Educational Needs (SEN)

Following recent funding cuts and with the withdrawal of legal aid the DLS no longer provides advice on Welfare Benefits.

### **DLS Advice Line - Tel: 0207 791 9800**

Due to funding cuts, the advice line is operating reduced hours and you may require to leave your name and

phone number on an answer service. The DLS aim to call back within 24 hours, and book an appointment with a legal adviser.

**Written Enquiries** are accepted from people who cannot use the telephone advice service: **12 City Forum, 250 City Road, London, EC1V 8AF.**

**e-mail: [advice@dls.org.uk](mailto:advice@dls.org.uk)**

Alternatively, use the on line advice request form, which provides prompts to the type of info the DLS require: [www.dls.org.uk/Advice/written\\_submission.html](http://www.dls.org.uk/Advice/written_submission.html)

**DLS Factsheets** The Disability Law Service produces a wide range of factsheets. It is possible to have up to three factsheets sent by post, for a charge. These can also be downloaded from the DLS website: [www.dls.org.uk/Advice](http://www.dls.org.uk/Advice)

*The Disability Law Service have Factsheets on obtaining advice in Scotland and Northern Ireland.*

**To find a Legal Adviser with a Legal Aid Contract**

**England and Wales**

**<http://find-legal-advice.justice.gov.uk>**

**Scotland**

The Scottish Legal Aid Board (SLAB) runs an information line:

0845 122 8686

Monday to Friday between 9am and 5pm

This does not provide legal advice as such, but can refer you to a solicitor. You can also search the SLAB website:

**[www.slab.org.uk/public/civil](http://www.slab.org.uk/public/civil)**

for information on your nearest solicitor who offers help through legal aid, and legal advice providers funded by SLAB: [www.slab.org.uk/public/solicitor-finder/index.html](http://www.slab.org.uk/public/solicitor-finder/index.html)

If you have specific questions about any legal aid forms that you need to complete and financial eligibility for legal aid, you can call the Financial Assessment Unit

0845 123 2330

em ail : [general@slab.org.uk](mailto:general@slab.org.uk)

em ail for enquiries relating to the Freedom of Information (Scotland) Act: [foi@slab.org.uk](mailto:foi@slab.org.uk)

**Northern Ireland**

There is guidance on legal aid in Northern Ireland at the NI government website: [www.nidirect.gov.uk/legal-aid](http://www.nidirect.gov.uk/legal-aid).

The NI Legal Services Commission funds services to help people who are eligible for legal aid. Their searchable directory is at: [www.nilsc.org.uk/solicitors.asp?on=solicitors](http://www.nilsc.org.uk/solicitors.asp?on=solicitors)

## **Solicitors**

**England & Wales** The Law Society provide a directory of solicitors firms in England and Wales.  
[www.lawsociety.org.uk/find-a-solicitor](http://www.lawsociety.org.uk/find-a-solicitor)

**Scotland** The Law Society of Scotland website contains a directory of firms:  
[www.lawscot.org.uk/wcm/lssservices/find\\_a\\_solicitor/core/directory.aspx](http://www.lawscot.org.uk/wcm/lssservices/find_a_solicitor/core/directory.aspx)

**Northern Ireland** The Law Society of Northern Ireland provide a directory of solicitors at [www.lawsoc-ni.org/solicitors-directory](http://www.lawsoc-ni.org/solicitors-directory). However this does not give comprehensive coverage of all firms; enquirers are invited to contact the Law Society of NI :

N I Law Society, 96 Victoria Street, Belfast, BT1 3GN  
tel: 028 9023 1614 (Mon to Fri, 9 to 5)

## **Advice Now**

**[www.advicenow.org.uk](http://www.advicenow.org.uk)**

This is an on line resource run by the Advice Services Alliance, an umbrella body for independent advice services in the UK. Advice Now is essentially a signposting service, aiming to help you make sense of the law and your rights.

The site covers an extensive array of topics, easily browsed.

As well as *Access to Justice* there is a section on *Alternative Dispute Resolution & Arbitration* covering means of resolving disputes without recourse to the courts.

There is also a fairly comprehensive list of advice organizations: [www.advicenow.org.uk/finding-help-html,314,FP.html](http://www.advicenow.org.uk/finding-help-html,314,FP.html)

## **Disabled Living Foundation**

Disabled Living Foundation (DLF) is a charity providing advice, information and training on independent living to people resident in England. The focus of their work is on free, impartial advice about mobility products or other types of daily living equipment, information on where you can buy or hire items, and details of local organisations that can help.

**Helpline: 0300 999 0004 weekdays between 10 and 4**

(cheap to call from both landline and mobile phones)

**Email:** [helpline@dlf.org.uk](mailto:helpline@dlf.org.uk)

**Loan library:** The DLF runs a 'library' of simple electronic aids where you can borrow equipment for two weeks to see if it is suitable for you. You only have to pay a temporary deposit and the return postage to send it back.

**Website:** [www.dlf.org.uk](http://www.dlf.org.uk)

Also available is an on line self help guide. If you are unsure what items might help you *AskSARA* is intended to assist [www.dlf.org.uk/content/asksara](http://www.dlf.org.uk/content/asksara)

*Living Made Easy* covers equipment for areas of daily living including stairs, bedroom and bathroom, along with chairs and chair accessories, telecare, and household and kitchen gadgets: <http://www.dlf.org.uk/living-made-easy>.

## **Disability Information and Advice Line [www.scope.org.uk/dial](http://www.scope.org.uk/dial)**

Disability Information and Advice Line (DIAL) services are based throughout England and Wales. They provide information and advice to disabled people and others on all aspects of living with disability, including:

- welfare benefits
- community care
- equipment
- independent living
- mobility and transport
- discrimination

### **To find your nearest DIAL:**

Use the on line search facility: [www.scope.org.uk/nearestyou/localgroups/-/G44%205JF/dial](http://www.scope.org.uk/nearestyou/localgroups/-/G44%205JF/dial) ; or

Call Scope's Helpline team on 0130 231 0123 - they will be able to direct you to support available in your local area.

## **Financial Advice**

If you are struggling financially or in debt the charity Christians Against Poverty have specialist knowledge in debt management and can advise and support you in managing this. You do not have to be a Christian to get help. CAP understand how frightening being in debt can be. They do not give you money but the means to get back on track. Their website includes a search facility to find your nearest source of help.

### **Christians Against Poverty**

**Tel: 01274 760720**

**Email: [info@capuk.org](mailto:info@capuk.org)**

**Web [www.capuk.org](http://www.capuk.org)**

## **Citizens Advice Bureaux**

To find your nearest Citizens Advice Bureau (CAB), call:

England	08444 111 444
Northern Ireland	028 9023 6522
Scotland	0808 800 9060
Wales	08444 77 2020

The CAB provide an on line guide: [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## **Disability Rights UK**

*See back cover of magazine for details*

**NOTE: We are mindful that many members do not have access to on line resources. If you this is a barrier we may be able to help you access the on line support. Please call the Troon office: 01292 318611**