

Legal advice

How to get help from a solicitor

This factsheet explains how you can find legal help from a solicitor or elsewhere. It tells you about when you might get help to pay for this. This information is for anyone affected by mental illness who needs legal advice.

Key Points.

- You may need a solicitor if you have a mental illness and need help for a mental health tribunal, at the police station or at court, for example.
- Different solicitors are experts in different areas of law. For example, some deal only with criminal cases and others deal with helping people to buy and sell houses.
- When you ask a solicitor to help you with a problem, they call this 'instructing' them.
- You might be able to get free legal help under 'legal aid'. But not all legal problems are covered by legal aid. You might be able to get free legal help another way.
- You are entitled to free legal advice if you are under arrest at a police station, or if you appeal against detention under the Mental Health Act.
- If you are unhappy with your solicitor's work or behaviour, you can complain.
- You can use the Law Society website to help you find a solicitor.

This factsheet covers:

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5. [What if I am detained in hospital under the Mental Health Act?](#)
6. [How can I complain about my solicitor?](#)

1. Do I need a solicitor?

You may have a problem at work, with the NHS or social services, for example. You can often resolve problems without getting legal advice by talking to the people involved or making a complaint. But sometimes you might need to speak to a solicitor because:

- the problem is very important to you,
- the problem is difficult to solve by yourself,
- you couldn't reach an agreement, or
- you want something that the other person isn't willing to give you, like compensation.

A solicitor can:

- give you advice,
- send emails and letters for you,
- talk to someone you are having a dispute with,
- write formal documents for you, or
- help you take the issue to court.

The steps a solicitor will take depend on what they are helping you with. This will also depend on the sort of help you need to sort out the problem.

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2. How do I find a solicitor?

Solicitors normally specialise in an area or areas of law. A solicitor who can help you to buy a house may not be able to help you with a mental health or social care problem. So, you'll need to find a solicitor who can help with the type of problem you are having.

The Law Society website has a list of practising solicitors. You can find this at solicitors.lawsociety.org.uk. You can search by the area of law you need and your location. You can contact the Law Society on for help with finding a local solicitor if you do not have access to the internet. See the [Useful contacts](#) section of this factsheet for the Law Society's contact details.

How can I find the right solicitor?

There may be many solicitors in your area that can help with your problem. It can be difficult to know which one to choose.

It is difficult to know how good a solicitor's service will be. You can't know for sure, even if someone has recommended them to you and they have a good reputation.

You can think about the following when making a decision about which solicitor to choose:

- the area of law they specialise in,
- the firm's reputation,
- how much they charge,
- what impression you get at your first meeting, and
- whether they have dealt with similar problems before.

A solicitor should tell you what they can and can't do. They should do this while working in your best interests.¹

The Law Society runs an 'accreditation' scheme, which shows what skills a solicitor has in a particular area. This can be things like representing you at a tribunal when you are detained under the Mental Health Act 1983.²

You can find out more about accreditation at

<http://www.lawsociety.org.uk/support-services/accreditation/>

The Solicitors Regulation Authority have published information on their website about choosing a solicitor: www.sra.org.uk/consumers/choosing

Rethink Mental Illness can't recommend a solicitor for you because we don't know all the firms in the country and how good their service is.

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3. Will I have to pay?

Solicitors can be paid in different ways. These are the different ways you can pay for a solicitor. Also, you might be able to get free help or information.

a) Paying for it yourself

You can pay for a solicitor to give you advice and help. Some solicitors may offer a fixed fee for some types of legal work. They must tell you how much the work should cost from the start.³ This is more common if a solicitor is helping you to move house or write a will.

For other work, solicitors may charge by the hour. They will not be able to tell you exactly how much you will have to pay because this will depend on how long the work will take. But they must give you the best information they can about how much they think it will cost and keep you updated if anything changes.⁴

b) Legal aid

Am I entitled to legal aid?

You may be entitled to free legal help under legal aid. Legal aid means that the government pays for your legal advice if you can't afford to pay it yourself.⁵

Getting legal aid will depend on:⁶

- the type of problem you have,
- your income and,
- the strength of your case.

You may have to pay your legal bills if you win money or get a property in your case.⁷

You can check whether you are entitled at www.gov.uk/legal-aid-eligibility-calculator.

You can read more information about Legal Aid at: www.gov.uk/legal-aid

You might be able to get advice from the **Disability Law Service** on housing or social care if you're entitled to legal aid. Their contact details are:

Disability Law Service

Provide advice on social care, housing, employment, discrimination and welfare benefits to disabled people and their carers. Legal aid support for social care and housing issues. Community Care and Housing Advice Line is provided for those who aren't eligible for legal aid.

Phone: 0207 791 9800

Email: advice@dls.org.uk

Website: <https://dls.org.uk>

What is covered?

Legal aid is available for certain aspects of some things, such as:

- social care,⁸
- discrimination,⁹ and
- detention under the Mental Health Act 1983.¹⁰

Since 2013, you can no longer get help with most issues about:

- debt,
- family,
- housing,
- benefits and
- employment issues.

You can find out more about what you can get legal aid for on the Law Society's website here: www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/help-with-paying-legal-costs#intro

You might be able to get legal aid if your case is an exception, like if you are facing homelessness because of a debt or housing problem.¹¹ You

can read more about exceptional case funding and apply for it here:
www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding

How can I find a legal aid solicitor?

Not all solicitors do legal aid work. You will need to find out which solicitors or organisations do this work in your area. In some areas, Citizens Advice or Law Centres do work under legal aid.

If you are entitled to legal aid, Civil Legal Advice might be able to give you advice by telephone. They can also point you in the direction of local solicitors who do work under legal aid. Their details are in the [Useful contacts](#) section of this factsheet.

c) Insurance policies

Some insurance policies cover legal advice. You can check your home and car insurance policies, for example. You can see whether your insurance company will pay for legal advice. You can take your insurance policy to a solicitor to see if your insurance company have to pay.

Your insurance policy might help you get legal advice for other things. For example, your car insurance policy might cover the cost of legal advice if you have a problem at work.

Some employers have assistance schemes for staff, where you can access legal advice.

d) 'No win, no fee'

In some cases solicitors will agree not to charge you if you don't win the case. The official name for this is a 'conditional fee agreement.' But they are often called 'no win, no fee' agreements.

They are common if you make a claim against someone for an injury. This could be because of a road traffic accident, a medical procedure, or an accident at work.

Even if you have a no win, no fee agreement, you might still have to pay costs if you lose. Your solicitor should explain how fees work before they start working for you.¹² They should your agreement about fees in writing.

If you win your case, you will have to pay a larger fee than someone who doesn't have a no win, no fee agreement. Again, your solicitor should explain this from the start.¹³

e) Free help and information

When a solicitor gives you legal help for free, this is called 'pro bono' advice. You can find out whether there is a local solicitor who offers free advice at www.lawworks.org.uk and www.barprobono.org.uk and www.lawcentres.org.uk.

The Disability Law Service provides free legal advice on community care, employment, housing and welfare benefits to disabled people and their

carers. You can find their contact details in the [Useful contents](#) section of this factsheet.

You can take legal action without getting help from a solicitor if you can't get one or don't want help from one. The organisation Advice Now has published a number of guides on their website on going to court or a tribunal without the help of a lawyer: www.advicenow.org.uk/goingtocourt

You can get free advice on a range of things from Citizen's Advice. All their advisers are trained but not all are solicitors. They aim to give you the knowledge and confidence you need to help you with your problem. They offer advice online, over the phone and in person. You can find their contact details in the [Useful contacts](#) section at the end of this factsheet.

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4. What if I am arrested?

You have a right to free legal advice if you are arrested. You can use your own solicitor or the duty solicitor.

If you want the police to arrange a solicitor for you they will contact the Defence Solicitor Call Centre (DSCC).¹⁴ They will pass on your details and a solicitor will give you telephone advice. But you may see the solicitor in person if you are accused of a more serious offence and:¹⁵

- the police want to interview you,
- you cannot talk on the telephone, or
- you are vulnerable.

You should tell the police and your solicitor if you feel unwell or vulnerable because of your mental illness. You should do this as soon as possible.

You can find more information about '**Police stations - what happens when you are arrested**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet

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5. What if I am detained in hospital under the Mental Health Act 1983?

You can be detained in hospital against your will under the Mental Health Act if:

- you have a mental disorder, and
- you're a serious risk to yourself or others.

It's sometimes known as being 'sectioned.'

You have the right to appeal to a tribunal if you want to challenge your detention.

You can get free legal help from a solicitor if you appeal to the tribunal.

You can get more information about:

- The Mental Health Act, and
- Discharge from the Mental Health Act

At www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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6. How can I complain about my solicitor?

If you have an issue with your solicitor you can try to sort it out by speaking or writing to them, or someone else in the firm. But if that doesn't work you can make a complaint if you want to.

How can I complaint about poor service?

If you want to complain about a solicitor, to begin with you can complain directly to the solicitor's practice. All solicitors have a procedure for handling complaints.

You can find more information about problems with solicitors on the Solicitors Regulation Authority website at:
www.sra.org.uk/consumers/problems

If you've completed the practice's complaints procedures and you still aren't satisfied with your solicitor's response, you can contact the Legal Ombudsman. They can help to resolve your complaint for you. You can find their contact details in the [Useful contacts](#) section of this factsheet.

How can I complain about a solicitor's behaviour?

The Solicitors Regulation Authority (SRA) can help you, or take action, when solicitors do things like:

- tell lies,
- steal from you,
- shut down without telling you, or
- break our rules.

They take any necessary action against solicitors.

If you complain about a solicitor to the Legal Ombudsman, they might report the solicitor to the SRA, if appropriate. They will do this if they think the solicitor has breached the SRA principles or code of conduct.

But you can report the solicitor directly to the SRA if you think the solicitor has breached the SRA principles or code of conduct.

You can read more about the SRA principles and code of conduct here:
www.sra.org.uk/consumers/sra-regulate/sra-regulate.page#principles

You can get information about how to report the solicitor to the SRA from the link below. Please scroll down to the heading, 'How to report a solicitor or firm to the SRA': www.sra.org.uk/consumers/problems/report-solicitor.page#when-report-sra

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Useful Contacts

Civil Legal Advice

Civil Legal Advice can help you to find a solicitor who works under legal aid.

Telephone: 0345 345 4 345 (9am to 8pm Mon- Fri, 9am to 12.30pm Sat)

Minicom: 0345 609 6677

Website: www.gov.uk/civil-legal-advice

Law Society

The Law Society maintains a list of practising solicitors in England and Wales. You can use their website to find a local solicitor.

Telephone: 020 7320 5650 (Monday to Friday from 9am – 5pm)

Email: via contact form on website - www.lawsociety.org.uk/get-in-touch/

Website: www.lawsociety.org.uk/

Legal Ombudsman

The Legal Ombudsman can investigate your complaint about a solicitor if you have already complained to the solicitor directly and if you are unhappy with their response.

Telephone: 0300 555 0333 (9am – 4pm, Mon – Fri)

Address: PO Box 6806, Wolverhampton, WV1 9WJ

Email: enquiries@legalombudsman.org.uk

Website: www.legalombudsman.org.uk

The Disability Law Service

Provides free legal advice on community care, employment, housing and welfare benefits to disabled people and their carers to ensure that they have access to their rights and justice.

Telephone: 0207 791 9800 (Mon-Fri 10am–1pm, 2pm–5pm)

Address: Disability Law Service, The Foundry, 17 Oval Way, London SE11 5RR

Email: advice@dls.org.uk

Website: www.dls.org.uk

Citizens Advice

You can get free advice on a range of things from Citizen's Advice. All their advisers are trained but not all are solicitors. They aim to give you the knowledge and confidence you need to help you with your problem. They offer advice online, over the phone and in person.

Website: www.citizensadvice.org.uk

Adviceline: 0800 144 8848

Disability Law Service

Provide advice on social care, housing, employment, discrimination and welfare benefits to disabled people and their carers. Legal aid support for social care and housing issues. Community Care and Housing Advice Line is provided for those who aren't eligible for legal aid.

Phone: 0207 791 9800

Email: advice@dls.org.uk

Website: <https://dls.org.uk>

References

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- ³ Solicitors Regulation Authority. *Solicitors Regulatory Authority Handbook Code of Conduct 2011 (Version 18)*. <http://www.sra.org.uk/solicitors/handbook/code/content.page> (Accessed 07/12/2016)
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- ⁵ Gov.uk. *Legal Aid 1. Overview*. <https://www.gov.uk/legal-aid/overview> (Accessed 07/12/2016)
- ⁶ s11(3) Legal Aid Sentencing and Punishment of Offenders Act 2012 c10 (LSPA 2012)
- ⁷ s25(1) Legal Aid Sentencing and Punishment of Offenders Act 2012 c10 (LSPA 2012)
- ⁸ sch 1 para 6 Legal Aid Sentencing and Punishment of Offenders Act 2012 c10 (LSPA 2012)
- ⁹ sch 1 para 43 Legal Aid Sentencing and Punishment of Offenders Act 2012 c10 (LSPA 2012)
- ¹⁰ sch 1 para 5 (1)(a) Legal Aid Sentencing and Punishment of Offenders Act 2012 c10 (LSPA 2012)
- ¹¹ sch 1 para 34 Legal Aid Sentencing and Punishment of Offenders Act 2012 c10 (LSPA 2012)
- ¹² Solicitors Regulation Authority. *Solicitors Regulatory Authority Handbook Code of Conduct 2011 (Version 18)*. <http://www.sra.org.uk/solicitors/handbook/code/content.page> (Accessed 07/12/2016)
- ¹³ Solicitors Regulation Authority. *Solicitors Regulatory Authority Handbook Code of Conduct 2011 (Version 18)*. <http://www.sra.org.uk/solicitors/handbook/code/content.page> (Accessed 07/12/2016)
- ¹⁴ Gov.uk. *Being arrested: your rights 4. Legal advice at the police station*. <https://www.gov.uk/arrested-your-rights/legal-advice-at-the-police-station> (accessed 07/12/2016)
- ¹⁵ Home Office. *PACE Code of Practice, Code C (2014) Notes for Guidance; 2014*, para 6B.

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This factsheet is available in large print.

Rethink Mental Illness Advice Service

Phone 0808 801 0525
Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

Email advice@rethink.org



Patient Information Forum

Did this help?

We'd love to know if this Information helped you

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:

RAIS
PO Box 18252
Solihull
B91 9BA

or call us on 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.

For further information on Rethink Mental Illness Phone 0121 522 7007
Email info@rethink.org



rethink.org

Need more help?

Go to rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on: 0808 801 0525 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to rethink.org/donate or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.



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