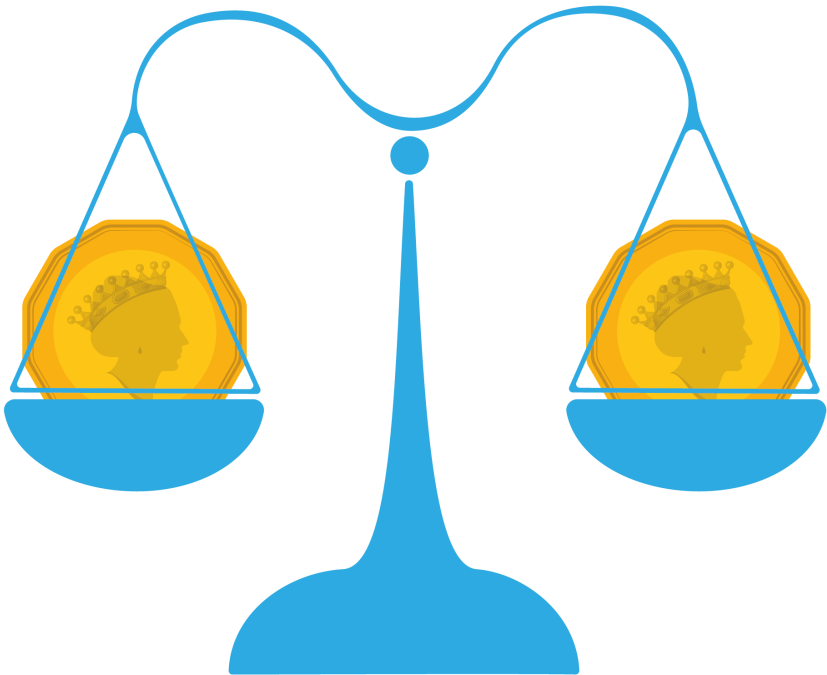


Finding and paying for legal advice



Who we are

Age Scotland is the national charity for older people. We work to improve the lives of everyone over the age of 50 so that they can love later life.

Our vision is a Scotland where everyone can love later life.

Our mission is to inspire, involve and empower older people in Scotland, and influence others, so that people can make the most of later life.

Our three strategic aims are to:



Help older people to be as well as they can be



Promote a positive view of ageing and later life



Tackle loneliness and isolation

How we can help

We know that growing older doesn't come with a manual. Later life can bring changes and opportunities to your life and you may need to know about rights, organisations and services which are unfamiliar to you.

That's why we provide free information and advice to help you on a range of topics including benefits and entitlements, social care, legal issues such as Power of Attorney, housing and much more. All of our guides are available to download for free from our website, or you can contact our helpline team to have copies posted to you for free.

The Age Scotland **helpline** is a free, confidential phone service for older people, their carers and families in Scotland looking for information and advice.

Later life can bring times when you just need someone to talk to. Our **friendship line** is part of our wider helpline and older people can call us for a chat. We're here to listen, provide friendship and offer support.

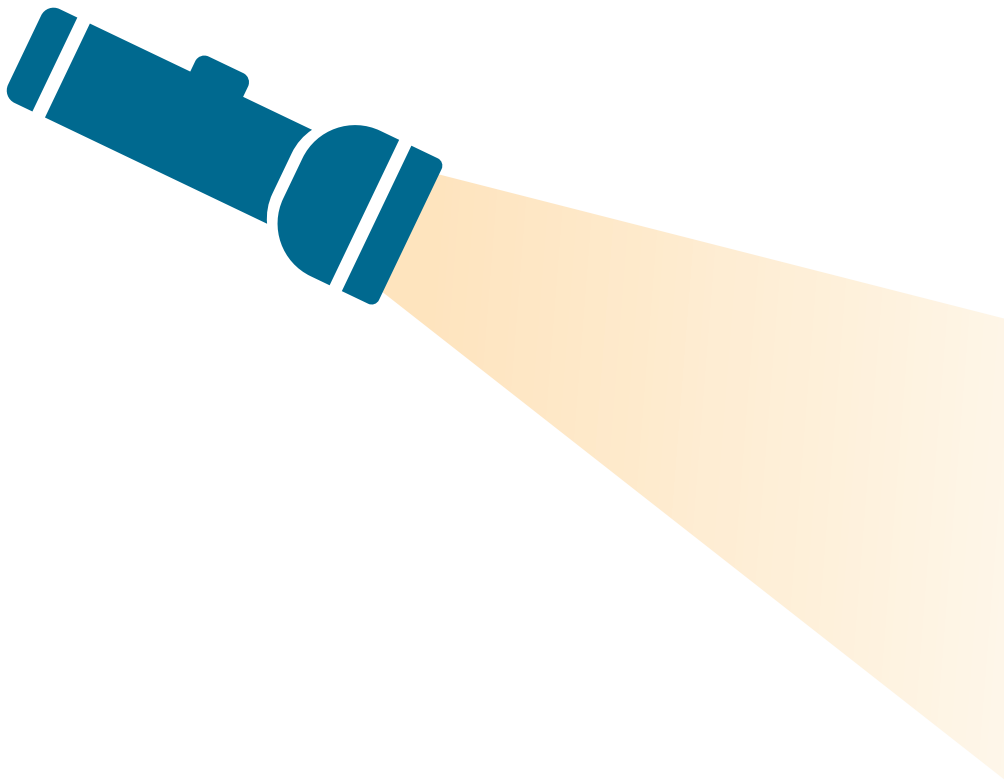
For information, advice and friendship



Call us free on: 0800 12 44 222
(Monday – Friday, 9am - 5pm)



Visit [agescotland.org.uk](https://www.agescotland.org.uk)
to find out more.



Finding and paying for legal advice

Sooner or later most people will find themselves faced with a situation where they need expert legal advice; this may be about planning for the future, buying or selling a house or dealing with a new and unfamiliar issue.

This guide explains how to get advice about common civil matters such as housing, benefits, family and employment issues but does not include information about legal help with criminal cases or where to get regulated financial advice.

Many different agencies provide advice about legal problems. Most people choose an agency based on what they want advice about, who they trust, what is available locally and what it will cost.





Finding an advice agency

A Citizens Advice Bureau or member of Advice UK must offer free independent advice. They may be able to negotiate on your behalf or represent you at some court hearings or tribunals.

If an advice agency cannot help with your particular problem they will try to find details of an agency that can help.

Citizens Advice Bureaux are charities which operate in most areas of Scotland. They are all members of Citizens Advice Scotland. They provide free information and advice about a wide a range of legal problems including debt, benefits, housing, employment and family issues.

You can call Scotland's **Citizens Advice Helpline** on **0800 028 1456** to contact your local Bureau. Citizens Advice Scotland's online information provides detailed and up to date information about a wide range of issues in Scotland: **www.citizensadvice.org.uk/scotland**

You can find a list of **Advice UK** members online at **<https://portal.adviceuk.org.uk>**.

Advice Direct Scotland can help you with advice about matters including consumer issues, energy, and post. Call **0808 800 9060** or see their website **www.advisedirect.scot**.

Some **specialist charities** provide information and advice on issues that are important to their members. Call the **Age Scotland helpline** on **0800 12 44 222** to find out if there is a specialist charity which can help you.

Most **councils** provide information and advice about housing, and some will also have specialist benefits advice teams. Contact your council to find out what is available in your area.

Most **Trade Unions** and professional associations give advice to their members on matters such as pensions, employment or professional issues.

Using an advice agency

What to have ready for an appointment

It will help you and the adviser if you make a note of the questions you would like to ask and take this with you or have it ready when you call. Collect any relevant paperwork and organise it in date order.

The Citizens Advice Bureau Advice website gives guidance on what to take to an appointment; see

www.citizensadvice.org.uk/scotland.

What the adviser will do

The adviser will ask you about the problem you have, and may need to ask you a lot of questions if your situation is complicated.

The adviser may not be able to find an answer to your enquiry at the first interview and you may need follow up appointments. At the end of the interview make sure you are clear about what will happen next.

If the adviser is taking action on your behalf, such as writing a letter, they will ask you to sign a consent form which shows that they have your permission to act on your behalf.

Complaints about advice agencies

All advice agencies should have a complaints procedure which you can use if you are not happy with the service they have provided. Copies should be available in their office or on their website.



Finding a solicitor

Firms of solicitors in Scotland vary in size from solicitors working on their own to large companies. Some are specialists and others provide a broad range of legal services.

A typical local solicitor is likely to deal with matters such as buying and selling property, business law, Wills and Powers of Attorney, estates, criminal law, family law, accident claims and employment issues. They may not deal with specialist areas of law such as community care or mental health.

You can find contact details of local solicitors from the **Law Society** at www.lawscot.org.uk/find-a-solicitor and sometimes from a local advice agency such as a Citizens Advice Bureau.



Using a solicitor

Before your appointment, make a note of the questions you would like to ask. Collect any relevant paperwork and organise it in date order. You should take proof of your identity too, as solicitors are required by law to check clients' identities.

When you first approach a solicitor for advice, they may use rather formal phrases such as 'being retained' or 'taking instructions'. This just means that anything the solicitor does is what you have agreed to, as they are representing you and acting on your behalf.

You should ask the solicitor:

- what work they will do
- approximately how long the work will take
- what costs there will be
- how they will let you know if the costs of the work increase.

You should find this information in the firm's terms of business or letter of engagement.



The letter of engagement

The letter of engagement or letter detailing terms of business explains how the solicitor will work on your case. This should include information including:

- fees, VAT and other payments and how and when these are to be paid
- what the solicitor will do on your behalf
- how you should give your solicitor instructions
- who is responsible for your case and who will be your normal contact
- the procedure for dealing with any disputes.

These letters are compulsory and many firms use them as the basis of their contract with a client. The letters can be quite complex, you should ask the solicitor to explain anything which is not clear.

Solicitors professional standards

Solicitors are required to work to high professional standards. The Law Society of Scotland has standards for solicitors in Scotland which you can see on their website **www.lawscot.org.uk/for-the-public/client-protection/standards-for-solicitors**.

Solicitors costs

Solicitors charge for their services, except when they work with Law Centres or other advice agencies or offer 'pro bono' (free) work, which is not common. You may be entitled to legal aid to help with your legal costs, but not all solicitors will do work which is funded by legal aid.

Some solicitors will see you for a first appointment for up to half an hour without charging you, providing basic advice about your case and letting you know whether they can help you.

If you are not able to get free advice or representation and you do not qualify for legal aid, you will have to pay a solicitor yourself unless you have legal expenses insurance. Some home insurance policies include limited legal expenses cover, for example protection against the cost of being sued or having to make a claim against someone.

Court action can be very expensive; you should get advice to find out what it is likely to cost you if you win or lose your case.

If there are a number of legal firms locally, it is worth asking more than one solicitor what they would charge for the work you need. Charges could be based on:

Fixed fee basis - conveyancing and preparation of simple Wills or Power of Attorney are often charged as a fixed fee. Other types of work can also be charged as a fixed fee if you and your solicitor agree. Check what other costs, such as court fees and taxes you will need to pay on top of the fixed fee.

Charges based on hourly rate - This is a common arrangement, and will include every letter and document drafted, every meeting, every court appearance, every phone call and anything else. All expenses such as court fees will be in addition to the solicitor's fees.



Fee Estimates - The Law Society of Scotland encourages solicitors to provide fee estimates based on the hourly rate, anticipated amount of work and level of service. If you agree a limit on the amount of fees to be spent on your case your solicitor would have to contact you once the limit is reached and get your agreement before doing any further work for you.

Payment in advance - If you are paying privately for the work, the solicitor is likely to ask you for some money in advance. Sometimes this is to pay for expenses upfront or it may be an advance payment for their costs.

No win no fee agreements - these are cases where solicitors act on the basis that you will only have to pay if you win and are mostly seen in personal injury cases. Make sure you understand how the fees will be calculated as they can be a significant percentage of the amount you win, and also what costs you may have to pay if you lose your case.

Legal aid to help with legal costs

Legal aid in Scotland is the responsibility of the Scottish Legal Aid Board.

The Board publishes leaflets about legal aid which are available on their website **www.slab.org.uk**. Your solicitor or local advice agency may also have copies.

There are three kinds of legal aid:

- **Advice and assistance** helps to pay for a solicitor to give you advice on any civil or criminal matter of Scottish Law. It will not normally cover representation in court
- **Civil legal aid** will help pay for a solicitor to represent you in court if you are involved in a civil dispute
- **Criminal legal aid** pays for legal representation if you are charged with a criminal offence

Not all solicitors will do work which is funded by legal aid.

To find a legal aid solicitor see the **Scottish Legal Aid Board** website **www.slab.org.uk**.



General eligibility for legal aid

An individual, or someone with legal authority such as a Power of Attorney can apply for legal aid.

There are financial limits for legal aid for civil proceedings and for advice and assistance. You can ask your solicitor whether you will be entitled to help or check the details of the calculation on the Scottish Legal Aid Board website.

When you visit your solicitor for the first time you should take proof of your identity and evidence of how much money you have such as:

- pension or benefit entitlement letters
- details of any savings, bank statements, etc.
- wage slips if you are employed or accounts if you are self-employed

If you are married, in a civil partnership or are living with a partner (and your dispute is not with your partner), your solicitor will also need to know the same information about their income and savings.

The help you qualify for, and costs you have to pay will depend on:

- your income and sometimes your savings
- whether you win or keep money or property as a result of your solicitor's work
- whether you lose your case and the court orders you to pay some or all of your opponent's costs. Legal aid will cover only your own legal costs.

Your solicitor's bill

The bill you receive from your solicitor will list all the work they have done for you. The description may be very general or very detailed. It should also show the amount of any legal aid you have qualified for.

You are entitled to know the basic breakdown of the account into fees, VAT and others costs without being charged for this. You may be charged if you request a fully itemised account.

Other costs or payments on your bill may include things like payments of tax, for land registration, court fees or the cost of medical evidence.

If you do not agree with your solicitor's bill speak to the solicitor or the firm's Client Relations Partner and use their complaints procedure to try to sort things out. If this does not solve the problem, you can ask your solicitor to get the bill audited by the Auditor of Court, an official based in each Sheriff Court.

Complaints about solicitors

If you are not happy with the way your case has been handled by your solicitor, ask for a copy of their complaints procedure. You would normally need to explain your concerns and questions, preferably in writing, then discuss your complaint with the person dealing with your case. The next stage would be to speak or write to the senior partner or Client Relations Partner.

If the problem is still not resolved you could complain to the Scottish Legal Complaints Commission; there are time limits for making complaints so do not delay. You can call the **Scottish Legal Complaints Commission** on **0131 201 2130** or see their website **www.scottishlegalcomplaints.org.uk**.



Further information

Age Scotland helpline 0800 12 44 222

The Age Scotland helpline provides information, friendship and advice to older people, their relatives and carers.

If you need an interpreter call **0800 12 44 222** and simply state the language you need e.g. Polish or Urdu. Stay on the line for a few minutes and the Age Scotland helpline will do the rest.



You can call us on **0800 12 44 222** for a copy of our **publications list** or download/order copies from our website at **www.agescotland.org.uk**.

Disclaimer and copyright information

This guide has been prepared by Age Scotland and contains general advice only which we hope will be of use to you. Nothing in this guide should be construed as the giving of specific advice and it should not be relied on as a basis for any decision or action. Age Scotland does not accept any liability arising from its use. We aim to ensure that the 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.

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How you can help

Our vision is a Scotland where everyone can love later life.

All the information and advice we provide is free and completely impartial and in helping people access their rights and entitlements, it can be life changing.

We are an ageing population and more people than ever are coming to us for support. You can help us be there for those that need us most.



Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

- ▶ Call **03330 15 14 60**
- ▶ Visit **age.scot/donate**
- ▶ Text **LATERLIFE** to **70085** to donate £5.*



Fundraise

Whether it is having a bake sale, running a marathon or knitting small hats for the Big Knit, there are so many ways to raise vital funds to support our work. To find out more, call **0333 323 2400** or visit **age.scot/fundraise**.



Leave us a gift in your Will

By choosing to leave us a gift in your Will, you can help Age Scotland to continue being there for vulnerable older people in the years to come. To find out more, call **0333 323 2400** or visit **age.scot/legacy**.

* Texts cost £5 plus one standard rate message

Let's keep in touch



Sign up to our newsletter

Our regular newsletters by email contain details of our campaigns, services and how you can support our work.

Sign up today by visiting **age.scot/roundup**



Follow us on social media

Our social media channels are a great way to keep up to date with our work and issues that affect older people.



[/agescotland](https://www.facebook.com/agescotland)



[@AgeScotland](https://twitter.com/AgeScotland)



[@age_scotland](https://www.instagram.com/age_scotland)



[/AgeScotland](https://www.linkedin.com/company/AgeScotland)

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Contact us:

Head office

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Age Scotland helpline

0800 12 44 222

Email

info@agescotland.org.uk

Visit our website

www.agescotland.org.uk

Follow us on social media:



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/AgeScotland



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