

Frequently asked questions

Q1: What is the Legal Services Commission?

- We manage legal aid in England and Wales, having replaced the Legal Aid Board in April 2000.
- We are a non-departmental public body sponsored by (but independent from) the Department for Constitutional Affairs.
- We help people with real needs get quality legal services. We contract lawyers and advisers to provide these services, often working in partnership with community agencies to ensure people know where to get help.
- By doing this, we help make the justice system fair, accessible and affordable.
- We run two schemes:
 - The **Community Legal Service** (civil legal aid) which offers:
 - initial advice and assistance with any legal problem.
 - a solicitor who can speak on someone's behalf at court hearings without formally representing them.
 - help and advice on family disputes, including assistance with family mediation.
 - legal representation in court proceedings.
 - support funding of some private cases, including multi-party actions, which can be expensive.
 - The **Criminal Defence Service** (criminal legal aid) which offers:
 - advice and assistance from a solicitor on criminal matters.
 - free legal advice from a solicitor at the police station during questioning.
 - the cost of a solicitor preparing a case and initial representation for certain proceedings at a magistrates' or crown court.
 - full legal representation for defence in criminal cases at all court levels.
 - the provision of a duty solicitor to provide free legal advice and representation at magistrates' court.

Q2: What is the difference between the LSC and the Legal Aid Board it replaced?

- We have a wider remit.

- The Legal Aid Board was predominantly an organisation that processed applications from solicitors for legal aid and paid the bills that they sent in.
- The Legal Services Commission does this but much more to ensure quality and value for money legal services that help the most vulnerable and disadvantaged in society. We have three key objectives:
 - To fund legal and advice services in England and Wales.
 - To identify where there is unmet need.
 - To develop innovative services to meet the priority needs that we identify.

Q3: How many people receive legal aid each year?

- We help around 2 million people get help with their legal problems each year.
- In civil law this included helping:
 - over 250,000 people involved in family disputes.
 - over 75,000 people struggling with debt.
 - around 100,000 people with their housing problems.
 - around 20,000 people suffering domestic violence.
 - over 75,000 people get the welfare benefits they are entitled to.
- In criminal law this included:
 - funding duty solicitors to give legal advice on more than 750,000 occasions to people held at police stations.
 - providing representation for people involved in more than 650,000 Magistrates' Court appearances.

Q4: How much money is spent on legal aid each year?

- Currently, over £2 billion is spent on legal aid, including:
 - nearly £900 million on civil legal aid.
 - more than £1.1 billion on criminal legal aid.

Q5: Who qualifies for legal aid?

- Eligibility for legal aid for **civil legal representation** is assessed by the LSC, based on financial means (income and capital) and legal merits (an assessment of the person's case) tests laid down by parliament.
 - So long as the case relates to English or Welsh law, anyone regardless of their age or nationality can apply.

- People should ask a solicitor or adviser, who has a contract with us, about whether they qualify, but generally a client is eligible if they and their partner have a combined monthly disposable income of less than £649.
 - The gross monthly income can't exceed £2,350 (can be higher if the applicant has more than four children).
 - If a client satisfies these limits, they must also have no more than £8K in disposable capital.
 - A legal merits test is then conducted by the LSC, considering factors such as the case's likelihood of success, and solicitors are always asked to give an indication of the case's merits.
- Eligibility for **criminal** legal aid is also decided by the LSC. Generally:
 - in magistrates' courts, legal aid can be granted to defendants who could be imprisoned. Since October 2006, defendants have also had to pass a financial means test. Those who are under the age of 16, aged 16 or 17 with no income and living with their parent or guardian or under 18 and in full-time education will automatically pass the financial eligibility test, as will those on unemployment benefits. Remaining applications will be assessed using a formula which weighs total gross income against affordability based on family commitments and size of household. Defendants with an adjusted gross income of more than £20,740 will not be eligible for legal aid, whilst those whose adjusted gross income is under £11,590 will be eligible. Those applicants whose adjusted gross income falls between the two thresholds will be subject to a more rigorous assessment that will consider housing, child care and maintenance costs.
 - in the crown and higher courts, legal aid can be granted to all defendants. There is no financial means test, but the court can issue an order to recover legal aid costs if they believe a defendant could have funded their own defence.

Q6: Can people appeal if their application for legal aid is rejected?

- Yes, people can appeal through their solicitor/adviser.

Q7: Why are some people asked to contribute to the cost of their civil legal aid?

- A person may be asked to contribute towards their legal representation. This is means-tested.
- If a person wins money or property in a civil case, they may be asked to repay some of their legal costs. This is called the statutory charge. If they do not have the means to pay immediately, they can arrange to pay it in instalments over time or opt for the statutory charge to be placed on the property (which means the money can be reclaimed when the property is sold or becomes part of an estate after their death).

- It applies to civil damages cases but only if the person's legal costs were not awarded against the other side in the dispute.
- It also does not apply to maintenance payments.

Q8: Where can the public find out about the LSC and its services?

- Our website www.legalservices.gov.uk provides information about us, the Community Legal Service and the Criminal Defence Service.
- The Community Legal Service also has its own website at www.clsdirect.org.uk which allows people to:
 - search for an approved local legal adviser or solicitor
 - ask a question or choose a topic and be directed to the right place on the best advice sites in the UK
 - see if they are eligible for legal aid using the online calculator
 - view or print legal information leaflets
- Community Legal Service Direct also operate a national helpline: 0845 345 4 345 where people can:
 - get advice from a qualified legal adviser about welfare benefits, debt or education, or be referred to a local legal aid provider if necessary.
 - listen to recorded messages about common legal problems.
 - find quality local advice services for other types of problems.
 - order legal information leaflets.
- Our legal information leaflets are also available from solicitors' offices, advice bureaux, law centres, magistrates' courts, public libraries and our regional offices.

Q9: How do you become a legal aid solicitor or adviser?

- All solicitors and advisory offices must be accredited with a Legal Services Commission quality mark to qualify for a legal aid contract.
- To do legal aid work, a firm must bid for a contract to provide publicly-funded legal services. A bid panel assesses each application and makes a decision.
- All applications also include a full audit to ensure the firm is able to offer clients a competent, value for money service. Further audits are conducted anywhere between quarterly and every two years, based on how well we rate the legal aid provider.

- There are a set number of contracts available in each region. The number is based on the amount of work each region requires. The number is closely monitored and adjusted when necessary.
- The LSC is also actively encouraging the next generation of legal aid solicitors. Since 2002, the LSC has awarded nearly £13 million in training grants, allowing 500 newly-qualified solicitors to complete their Legal Practice Courses and Training Contracts with firms doing legal aid work.

Q10: What checks are in place for the responsible distribution of legal aid?

- Our contracting system ensures that legal aid funding is tightly controlled and monitored. Only solicitors and advisors with a legal aid contract can carry out publicly-funded legal work and the number and value of these is controlled.
- All providers must pass a quality audit before taking on any publicly-funded work. Regular audits ensure all contractors continue to meet the 'Quality Mark' standard.

Q11: Is it true that there are many areas of the country where legal aid is not available?

- 'Advice deserts' are a myth: 95% of the population live within 5 miles of a legal aid solicitor (though there are areas of undersupply within certain *categories* of civil legal aid - the development of better advice co-ordination through Community Legal Advice Centres and Networks and other initiatives is intended to deal with this).

Q12: Shouldn't you be spending public money on "deserving" cases rather than for cases involving convicted criminals and asylum seekers?

- The vast majority of legal aid is spent on cases which aren't publicised because their merit is never questioned.
- Our funding decisions must be objective and based on the interests of justice, regardless of how unpopular some recipients may be. To ensure the justice system remains fair and accessible to everyone, especially the socially-excluded, we have to award legal aid to all people who do not have the financial means to fund their case and whose case has a strong prospect of success.
- Some of the most publicised cases we fund are test cases. These are important as they often clarify the law and, therefore, save money in the long-term.
- Frequently, we only make very small amounts of funding available so that a solicitor can investigate whether their client has a case. In these instances, additional funding will only be made available for a case to be fully prepared and taken to trial if it is warranted.