

Disability Law Service

Fighting injustice for disabled people

LEGAL AID FACTSHEET

Introduction

Disability Law Service hold civil legal aid contracts with the Legal Aid Agency in Community Care and Housing.

Civil Legal Aid is available to our *disabled clients* and their *carers* in so far as they meet the eligibility criteria –

1. **Scope** - Matters within scope of legal aid are set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 Sch 1.
2. **Means** - The client must meet the “means test” which includes an assessment of their Capital and Income.
3. **Merits** - The client’s matter must pass the standard merits test - i.e strength of case, the likelihood of success up to 50% and also be of ‘sufficient benefit’ to the individual and the public.

1. Scope

If our client’s matter falls within the scope as set out in **LASPO (Legal Aid, Sentencing and Punishment of Offenders Act 2012) Schedule 1** we will be able to assist them.

This includes **Part 1** of the **Care Act 2014** covering care and support packages & **Part 1 of the Housing Grants, Construction and Regeneration Act 1996** covering Disabled Facilities Grants.

It also includes and keys areas of **Housing law** including possession, homelessness, severe disrepair and protection from harassment.

2. Means

A person will be eligible for Legal Aid if:

- They have disposable capital of less than £8,000
- They have a gross monthly income does not exceed £2,657 (If more than 4 child dependents £222 is added for each further child)
- Their monthly disposable income does not exceed £733.
- If a person is in receipt of a 'passported' benefit (*Income Support, Income-based Jobseeker's Allowance, Universal Credit, Guarantee Credit element of Pension Credit (GC) and Income-related Employment and Support Allowance*) they automatically qualify under the income test
- Clients do not make contributions for 'controlled' pre-court work under the Legal Help Scheme. However, they may have to make contributions for 'licensed' court work under a Public Funded Certificate where their disposable income exceeds £315 per calendar month and/or capital exceeds £3,000

3. Merits

A person satisfies the 'Merits' test if:

- It is *reasonable* for the individual to be provided with legal help, having regard to any potential sources of funding for the individual;
- There is likely to be '*sufficient benefit*' to the individual, having regard to all the circumstances of the case, including the circumstances of the individual, to justify the cost of provision of legal help; *and*
- If there is a *likelihood of success* (50%) on the matter or the matter needs to be investigated to make this determination

*The civil legal aid calculator <https://civil-eligibility-calculator.justice.gov.uk/> is usually used to calculate a clients financial eligibility for civil legal aid

Alternatives to Legal Aid

- **Private Firms**

If a client requires lengthy casework assistance and are not eligible for Legal Aid they will have to pay solicitor private fees to help resolve their matter.

- **Advocacy Services**

Under the **Care Act 2014**, where a Local Authority considers that an individual will not be able to understand or retain relevant information, use or weigh that information or communicate their wishes or feelings the Authority must arrange for an advocate to represent them.

Free Advocacy Organisations can also be approached by individuals directly or by a third party organisation.

Legal Disclaimer

Although great care has been taken in the compilation and preparation of this Factsheet to ensure accuracy, DLS cannot accept responsibility for any errors or omissions. All information provided is for education/informative purposes and is not a substitute for legal advice.

Any links to external websites have been carefully selected but are provided without any endorsement of the content of those sites.

**If you wish to contact us for advice or legal aid representation,
[please refer to our website for further details.](#)**

Website: www.dls.org.uk

Legal Aid (you are eligible and require representation)

Tel: 0207 791 9820

Email: legalaid@dls.org.uk

Advice

Tel: 0207 791 9809

Email: helpline@dls.org.uk

Address:

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

Please support the great work that the Disability Law Service does for disabled people and their carers by donating and making sure this service continues. You can donate in the confidence that 97.2% of all money raised is spent on our work.

