

Getting the best from Legal Services for people with mental health problems

Getting the right help with a legal need can make a huge difference for people with mental health problems. Legal advice can be useful when dealing with everyday problems that can affect anyone, such as problems with your housing, getting divorced or employment disputes.

There may be circumstances when you need help related to your mental health. An example is preparing for a time when you are no longer able to make decisions by yourself (known as mental capacity). Another example is agreeing to be taken into a mental health unit to be treated (also called 'being sectioned').

We have spoken to people with mental health problems about their experiences of using legal services. This has shown the sorts of things lawyers can do to make sure you get the right advice and support.

They have shared their simple tips, to help others in similar situations.

These cover:

- When you need a lawyer
- Useful things to know
- What you should expect from a lawyer
- How you can help
- Useful organisations for further information

The Legal Services Board is the independent body responsible for overseeing the regulation of lawyers in England and Wales.

Please note that we cannot provide legal advice, deal with legal aid queries or intervene in any new or ongoing complaint or dispute you may have with a lawyer.

Do I need a lawyer?

- Whether you need a lawyer depends on the kind of help you need. For many matters you don't have to use a lawyer, but their skills and experience can be very helpful.
- Many people find it helpful to start with some free or initial advice they can trust. Some charities and advice organisations have helpful websites and advisors you can talk to.
- Many other lawyers will have an initial conversation with you for free, or at a reduced cost, to help you decide what to do next.

If you decide to use a lawyer, it's a good idea to:

- Ask around for recommendations. Friends or support organisations may be able to tell you about legal services in your area that are 'mental health friendly'.
- Ask what experience or specialist help they can offer. Some lawyers and firms specialise in mental health law.

Useful things to know

- Before the work starts, lawyers must put in writing what you'll pay and what you'll get from them in return. If you don't understand the way this has been explained to you, ask them to clarify.
- Different lawyers may charge a different price for the same service. It can be a good idea to ask around and compare costs.
- You can check if lawyers or the firms they work with are regulated. This means they meet standards for the work they do and you have some additional protection if things go wrong. The paperwork should say which organisation the lawyer is regulated by. You can visit the regulator's website to check this information is correct.
- Some lawyers are accredited in certain types of law, such as mental health, which indicates specialist knowledge and skills.

What should I expect from my lawyer?

- Lawyers should make you feel respected and understood.
- The first time you call, you will need to give some basic information about what you want help with. Try to be prepared in advance, maybe with some notes written down, or with someone to help.
- Before you meet for the first time, you can ask them to send some more information about their services and the law. This can help you to plan what questions you want to ask.
- You can ask them to put information in the format that works best for you. For example, a written record can give you more time to think things through and decide what you want to happen next.

Lawyers should always:

- Use straightforward words and writing and explain things to you, including any legal terms you don't understand.
- Give you time to think and answer questions.
- Speak directly to you even if you have a supporter or advocate present or if someone has told the lawyer what you want on your behalf. The lawyer may want to speak with you in private to be sure that they understand your own wishes and directions.

How you can help

- Be clear about the problem you need help with.
- Ask questions wherever you need to. A good lawyer will try hard to answer and make sure you understand each other.
- Let them know if you need more time to explain things, can't find the right word, feel upset or are finding it hard to follow the conversation.
- You do not have to tell your lawyer about your mental health problem. Still, you should tell them if there are things that would help you work with them. For example, you could tell them that aside from meeting them you only want to be contacted in writing.

Useful organisations for further information

Citizens Advice

www.citizensadvice.org.uk

Tel: 03444 111 444 (in England) or 03444 77 20 20 (in Wales)

Mind

www.mind.org.uk

Tel: 0300 123 3393

Legal Aid Agency

<https://www.gov.uk/government/organisations/legal-aid-agency>

Tel: 0345 345 4 345 (for civil matters) or 0121 232 5500 (for criminal matters)

Legal Ombudsman (for complaints about lawyers)

www.legalombudsman.org.uk

Tel: 0300 555 0333