



Welcome to this special edition of our newsletter where we are delighted to announce the start of our Legal Aid 'Community Care' services.

We can now offer advice and representation – in certain circumstances – to those who don't have the finances to access legal services.

What follows is a brief introduction to Legal Aid and the eligibility criteria. More information will be available at our forthcoming seminars.

Levels of help available

Not all cases will lead to court proceedings; in many instances, you may choose to seek legal advice to find out more about the help available to you, including how your solicitor can help to resolve matters out of court through negotiation.

To reflect this, there are different levels of services available through Legal Aid:

1. Legal Help
2. Legal Representation

In certain circumstances an application can be made for exceptional case funding or investigative representation.

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How does a client qualify for 'Community Care' Legal Aid?

Accessing Legal Aid funding for Community Care depends on meeting three criteria:

1. Scope

A client's legal issue has to be within the scope of 'community care', as set out in law. Broadly, the issues in which you can seek legal advice has to fall into one of the following categories:

- **Challenges involving Part 1, Care Act 2014:**
 - Failure or inadequate assessment of needs
 - Failure to implement a care plan, implementation of an unlawful care plan
 - Safeguarding
- **Mental Capacity Act 2005:**
 - Challenges to Deprivation of Liberty authorisations
 - Mental capacity and best interests (health and welfare)

2. Means

You may well be aware of the cuts made to Legal Aid, particularly over the last ten years, which has significantly reduced eligibility. In order to accept a potential client under the Legal Aid scheme we will need to see and record detailed evidence of their financial position before any work can start.

Whether or not an individual will be expected to contribute to their Legal Aid entitlement depends on their capital, income, age and any allowances.

Challenges under section 21A Mental Capacity Act (DOLS authorisations) are NOT means tested.

3. Merits

In order for a potential case to pass this test we must be able to show that there is some merit in the case going ahead and merit to each step of the case as it progresses. Merit in this instance refers to the prospect of success in a particular case. Those cases that have less chance of success must also pass other 'tests' (e.g proportionality, cost-benefit criteria).

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