

Legal advice

How to get help from a solicitor

This information explains how you can find legal help from a solicitor or elsewhere. It tells you when you might get help to pay for this. It is for anyone affected by mental illness who needs legal advice and is 18 or over in England. It is also for their loved ones, carers and anyone interested in the subject.

Key points:

- You may need a solicitor if you have a mental illness. You might need help for a mental health tribunal, at the police station or court, for example.
- Different solicitors are experts in different areas of law. For example, some deal only with criminal cases and others help people to buy and sell houses.
- When you ask a solicitor to help you with a problem, it is called instructing them.
- You might be able to get free legal help under legal aid. Not all legal problems are covered by legal aid. You might be able to get free legal help another way.
- You are entitled to free legal advice if you are under arrest at a police station. Or if you appeal against detention under the Mental Health Act.
- You might be entitled to support if you lack capacity and are involved with the courts.
- If you are unhappy with your solicitor's work or behaviour, you can complain.
- You can use the Law Society website to help you find a solicitor.

This factsheet covers:

1. Do I need a solicitor?
2. How do I find a solicitor?
3. Will I have to pay?
4. What if I am arrested?
5. What if I am detained in hospital under the Mental Health Act?
6. What if I lack mental capacity and need to go to court?
7. How can I complain about my solicitor?

1. Do I need a solicitor?

You may need a solicitor if you have a problem, for example, with work, the NHS or social services.

You can often resolve problems without getting legal advice by talking to the people involved or making a complaint. But sometimes you might need to speak to a solicitor because:

- the problem is very important to you
- the problem is difficult to solve by yourself
- you could not reach an agreement, or
- you want something that the other person is not willing to give, like compensation.

A solicitor can:

- give you advice,
- send emails and letters for you,
- talk to someone you disagree with,
- write formal documents for you, or
- help you take the issue to court.

The steps a solicitor will take depend on what they are helping you with.

When you ask a solicitor to help you with a problem, it is called instructing them.

You can find more information about **Complaining about the NHS or social services** at www.rethink.org. Or call us on 0121 522 7007 and ask us to send you a copy.

2. How do I find a solicitor?

How can I choose the right solicitor?

Solicitors normally specialise in one or more areas of law. For example, a solicitor who advises you if you buy a house may not advise on mental health-related issues.¹ You will need to find a solicitor who can help with the type of problem you are having.

A solicitor should work in your best interests.²

The **Law Society** website has a list of practising solicitors. You can find this at: <https://solicitors.lawsociety.org.uk>. You can search by the area of law, and your location.

You can call the **Law Society** for help if you cannot use the internet. See the Useful contacts section for their contact details.

How can I choose a good solicitor?

There may be many solicitors in your area who can help with your problem. It can be difficult to know which one to choose.

You can think about the following when deciding which solicitor to choose:³

- the area of law they specialise in,
- the firm's reputation,
- if they will communicate in a way you prefer – like, by phone or email, for example,
- how much they charge,
- what impression you get at your first meeting, and
- whether they have dealt with similar problems before.

The **Solicitors' Regulation Authority** have published information on their website about choosing a solicitor: www.sra.org.uk/consumers/choosing

The Law Society have an award scheme that shows which firms work to a high standard.⁴ You can find out more at: www.lawsociety.org.uk/topics/firm-accreditations

Gov.uk have a service that can help you find legal advisors in England and Wales: <https://find-legal-advice.justice.gov.uk>

We cannot recommend a solicitor. We do not know all the firms in the country, or how good their service is.

3. Will I have to pay?

Below you can find Information on different ways to pay solicitor's fees. You may also be able to get free help or information.

a) Paying for it yourself

You can pay for a solicitor to give you advice and help.

Some solicitors offer a fixed fee for certain types of legal work.

They must give you the best possible information about costs before they start. If you have not been given a fixed fee, you should be kept up to date with the costs as your matter progresses.⁵

For other work, solicitors may charge by the hour. They will not be able to tell you exact costs because this will depend on how long the work takes. However, they must explain costs clearly before they start and update you if things change.

b) Legal aid

Am I entitled to legal aid?

Legal aid is when the government pays for your legal advice. Whether you can get legal aid depends on your circumstances and the reason you need advice.

You may still need to pay legal bills if you win money or property in your case.⁶

You can read more about legal aid here: www.gov.uk/legal-aid

You can check whether you can get legal aid at this website: www.gov.uk/check-legal-aid

You can find out more about what you can get legal aid for on the Law Society's website: www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/help-with-paying-legal-costs#intro

If you cannot get legal aid see the other options below.

What is exceptional case funding?

Sometimes you can get legal aid even if your case does not fit with the normal rules. This is if your human rights are at risk.⁷ This is known as exceptional case funding.

You can read more about exceptional case funding and apply for it here: www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding

How can I find a legal aid solicitor?

You can find a legal aid solicitor here: <https://find-legal-advice.justice.gov.uk>

Not all solicitors do legal aid work. You will need to find out which solicitors or organisations do this work in your area.

Citizens Advice or **Law Centres** offer help under legal aid in some areas. Their details are in the Useful contacts section.

Civil Legal Advice may also give legal aid advice.⁸ If they cannot help you, they may suggest a local solicitor who can. Their details are in the Useful contacts section.

c) Help with fees scheme⁹

The government has a scheme where you can apply for money off court and tribunal fees.

Court and tribunal fees are different from legal costs, for example paying for a solicitor.

Whether your application is accepted depends on:

- your savings,
- any benefits you are receiving, and
- your income.

You can apply to the scheme before or after paying the court fees. If you apply after, you must apply within 3 months of the date you paid.

The scheme cannot be used in cases involving the Court of Protection.

You can find out more about the scheme here: www.gov.uk/get-help-with-court-fees

d) Insurance policies

Some insurance policies, such as your car or house insurance, cover legal advice.

The policy does not always have to relate to the problem. For example, your car insurance might cover the cost of legal advice if you have a problem at work.

You can find out by checking your policy or asking your insurance company.¹⁰

Some employers have assistance schemes for staff, where you can access legal advice.

e) 'No win, no fee'

In some litigation cases, solicitors will agree not to charge you if you do not win the case. The official name for this is a 'conditional fee agreement'. But they are often called 'no win, no fee' agreements.¹¹

They are common if you make a claim against someone for an injury. This could be because of a road traffic accident, a medical procedure, or an accident at work.¹²

Even if you have a 'no win, no fee' agreement, you might still have to pay costs if you lose.¹³ Your solicitor should explain how fees work before they start working for you. They should put your agreement about fees in writing.¹⁴

If you win your case, you will have to pay a larger fee than someone who does not have a 'no win, no fee' agreement. Again, your solicitor should explain this from the start.¹⁵

f) Free help and information

When a solicitor gives you legal help for free, this is called 'pro bono' advice. You can try to find a local solicitor who offers free advice on the following websites:

- **Law Works:** www.lawworks.org.uk
- **Advocate:** <https://weareadvocate.org.uk>
- **Law Centres Network:** www.lawcentres.org.uk

The Disability Law Service give free legal advice on social care, work, housing, and benefits. It supports disabled people and their carers. You can find their contact details in the Useful contacts section.

g) Going to court without legal help

You might be party to legal proceedings but not be able to get legal advice from a solicitor.

Advice Now has guides on going to court or tribunal without a lawyer. You can find them on their website: www.advicenow.org.uk/goingtocourt

Support Through Court helps people going through family or civil courts without legal help. They offer practical and emotional support. For more information go to: <https://supportthroughcourt.org>

You can get free advice on a range of things from **Citizens' Advice**. All their advisers are trained, but not all are solicitors. They aim to give you the knowledge and confidence you need to help you with your problem. They offer advice online, over the phone and in person. You can find their contact details in the Useful contacts section at the end of this factsheet.

4. What if I am arrested?¹⁶

You have a right to free legal advice if you are arrested.

You must be told about your right to free legal advice:

- after you are arrested, and
- before you are questioned at a police station.

You can:

- ask for the police station's duty solicitor – they are available 24 hours a day and are independent of the police,
- tell the police you would like legal advice. The police will contact the **Defence solicitor call centre** (DSCC), or
- ask the police to contact your own solicitor.

You may be offered legal advice over the phone if you are suspected of having committed a less serious crime.

You should tell the police and your solicitor if you feel unwell or vulnerable because of your mental illness. It is best to do this as soon as possible.

You can find more information about **Police stations - what happens if I am arrested?** at www.rethink.org. Or call us on 0121 522 7007 and ask us to send you a copy.

5. What if I am detained in hospital under the Mental Health Act 1983?

Why might I be detained under the Mental Health Act?

You can be detained in hospital against your will under the Mental Health Act if:

- you have a mental disorder, and
- you are a serious risk to yourself or others.

This is sometimes known as being 'sectioned.'

You should only be detained if there are no other ways to keep you or others safe.

When you are detained:

- you must be told your rights, and
- under which section of the Mental Health Act you are being detained.

You can be detained under the Mental Health Act for different reasons. You will usually have the right to appeal to a tribunal if you want to challenge your detention.

What is a tribunal?

Tribunals are a legal hearing but should take place in an informal setting at the hospital.¹⁷

Tribunals have the power to recommend¹⁸.

- Discharging you from your section
- That you get leave
- Supervised community treatment instead of staying in hospital
- A delayed discharge or conditional discharge
- Transfer you to another hospital

You can get free legal help from a solicitor if you appeal to the tribunal¹⁹.

You can get more information about:

- The Mental Health Act, and
- Discharge from the Mental Health Act

At www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

6. What if I lack mental capacity and I need to go to court?²⁰

You may lack mental capacity and need to court for one of the following types of cases:

- a civil case, except a tribunal
- a family case
- a Court of Protection case

Mental capacity means being able to understand information, make decisions, and know what might happen because of those decisions.

You might be able to get what is known as a litigation friend. They can help you with your court case.

For more information on litigation friends, visit: www.gov.uk/litigation-friend

7. How can I complain about my solicitor?

If you have an issue with your solicitor, you can speak to them or write to them. You can also contact someone else in the firm. If that does not work, you can make a complaint.

How can I complain about poor service?

If you want to complain about poor service, start by complaining directly to the solicitor's practice. All solicitors have a procedure for handling complaints.

You can find more information about problems and complaints about solicitors on the **Solicitors Regulation Authority (SRA)** website at: www.sra.org.uk/consumers/problems

If you are still unhappy after complaining to the firm, you can contact the **Legal Ombudsman**. They can help resolve your complaint. You can find their contact details in the Useful contacts section.

Do solicitors have to follow certain rules?

The **Solicitors Regulation Authority (SRA)** have a code of conduct. You can read more about the SRA principles and code of conduct here: www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors

They can help you, or they may take action themselves if a solicitor²¹:

- tells lies
- steals from you
- shuts down without telling you, or
- breaks the rules

If you complain to the Legal Ombudsman, they might report the solicitor to the SRA. This happens if the solicitor breaks the SRA principles or conduct rules.²²

You can also report the solicitor directly to the SRA if you think the solicitor has breached the SRA principles or code of conduct.²³

You can get information about how to report the solicitor to the SRA from the link below. Please scroll down to the heading, '**How to report a solicitor or firm to the SRA**': www.sra.org.uk/consumers/problems/report-solicitor.page#when-report-sra

Useful Contacts

Civil Legal Advice

Civil Legal Advice can help you find a solicitor who works under legal aid.

Phone: 0345 345 4345

Text: 0345 435 4345

Relay - if you cannot speak or hear: 18001 then 0345 345 4345

Website: www.gov.uk/civil-legal-advice

Law Society

The Law Society maintains a list of practising solicitors in England and Wales. You can use their website to find a local solicitor.

Phone: 020 7242 1222

Email: via contact form on website - www.lawsociety.org.uk/contact-or-visit-us

Website: www.lawsociety.org.uk

Law Centres Network

Champion the work of Law Centres across the UK and support the services they provide.

Website: www.lawcentres.org.uk

Legal Ombudsman

The Legal Ombudsman can investigate your complaint about a solicitor. This is if you have already complained to the solicitor directly and if you are unhappy with their response.

Phone: 0300 555 0333

Address: PO Box 6167, Slough, SL1 0EH

Email: enquiries@legalombudsman.org.uk

Website: www.legalombudsman.org.uk

The Disability Law Service

Provides free legal advice on community care, employment, housing and welfare benefits to disabled people and their carers to ensure that they have access to their rights and justice.

Phone: 0207 791 9800

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

Email addresses webpage: <https://dls.org.uk/contact-us>

Website: www.dls.org.uk

Citizens Advice

You can get free advice on a range of things from Citizens' Advice. All their advisers are trained, but not all are solicitors. They aim to give you the knowledge and confidence you need to help you with your problem. They offer advice online, over the phone and in person.

Website: www.citizensadvice.org.uk

Adviceline: 0800 144 8848

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We would love to know if this information helped you or if you found any issues with this page. You can email us at feedback@rethink.org

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Some content on this page has been created or edited using generative artificial intelligence (AI) tools. All this content has been manually reviewed and edited by a trained member of our Advice and Information team. This is to ensure accuracy and compliance with our information procedures.

References

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¹⁷ Department of Health. *Reference Guide to the Mental Health Act 1983*. UK: TSO; 2015. Para 6.5 https://assets.publishing.service.gov.uk/media/5a7f5e07ed915d74e33f5fed/Reference_Guide.pdf (Accessed 28.07.25)

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This factsheet is available
in large print.

Rethink Mental Illness Advice and Information Service

Phone: 0808 801 0525

Monday to Friday 9:30am – 4pm
excluding bank holidays.

Webchat service available

Did this help?

We'd love to know if this information
helped you or if you found any issues
with it. Drop us a line at:

feedback@rethink.org

Or write to us at:

Rethink Mental Illness Advice
and Information Service,
28 Albert Embankment, London, SE1 7GR.



We are the charity for people
severely affected by mental illness,
no matter what they're going through.

For further information
on Rethink Mental Illness

Phone: **0121 522 7007**

Email: info@rethink.org



Need more help?

Go to www.rethink.org for information
on Mental health conditions and
symptoms, treatment and support,
physical health and wellbeing, ethnic
minorities and mental health, LGBT+
mental health, mental health laws and
rights, work, studying, and mental health,
police, courts, and prison, and advice for
carers.

Do not have access to the web?

Call us on 0121 522 7007. We are open
Monday to Friday, 9am to 5pm, excluding
bank holidays, and we will send you the
information you need
in the post.

Do you have accessibility tools for this information?

You can find this information on our
website at www.rethink.org. There is
an accessibility function on this webpage
called **Recite**. On the desktop site, click
on the icon in the top right-hand corner
next to '**Donate**.' On the mobile site, scroll
right and click on the '**Turn on
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