



INFORMATION SHEET

LEGAL AID SINCE 1ST APRIL 2013

There have been some major changes in the availability of Legal Aid for education cases since 1st April 2013. The main changes are as follows:

1. Legal help is only available for cases involving special educational needs or discrimination, including disability discrimination. This would cover preparation for tribunal appeals. Full legal aid for education-related court cases going beyond SEN and discrimination (e.g. for school exclusions, for children without SEN and with no school place, or to enforce the entitlement to transport) is still available if the case is assessed by the Legal Aid Agency to merit public funding.
2. There are now only three organisations entitled to offer legal aid for education work, namely:
 - The Coram Children’s Legal Centre;
 - Tower Hamlets Law Centre;
 - Maxwell Gillott

It is normally necessary to contact them through the telephone gateway operated by Capita, on 0845 345 4 345, or by emailing them on emailhelp@civillegaladvice.org.uk.

It is also possible to request a free call back by texting “legalaid” and your name to 80010, or using the online service <http://callmeback.justice.gov.uk/>.

Normally they will allocate a call randomly to one of the three organisations above, but it is possible to ask for one in particular if they have acted for the client concerned previously.

3. There are some changes to financial eligibility, principally that whereas previously people on income support and similar benefits were automatically entitled to legal help, now capital is taken into account as well. Full details of capital eligibility limits are set out below.

Financial limits

For Legal Help:

Income

£2657 gross, £733 disposable income.

In assessing disposable income, certain benefits such as disability allowances are not taken into account; however, tax credits and child benefit are.

Allowances are made for income tax, national insurance, maintenance paid, housing costs (up to a cap of £545 a month for people without dependents), child care due to work, employment expenses of £45 a month, and dependents. The allowances for dependents are:

Partner:	£177.50
Child under 15:	£285.13
Child over 16:	£288.13

Note that these figures are regularly revised and are likely to be revised in 2014.

Passported benefits

People on certain benefits are entitled to legal help automatically, subject to assessment of their capital. These are:

Income support
 Income-based Job-Seekers' Allowance
 Income related Employment and Support Allowance
 Guarantee Credit
 Universal Credit

Capital

£8000.

In assessing capital, the value of any house is taken into account, but there is an allowance of £100,000 and the first £100,000 of any outstanding mortgage.

There is an online eligibility calculator at <http://legalaidcalculator.justice.gov.uk/>

The criteria for full legal aid for court work are slightly different, and separate advice on this should be obtained from a solicitor.

It should be noted that legal aid may be available in the names of children (and therefore assessed on the basis of their means alone) for court cases to enforce their rights – for example, to enforce the provision in Part 3 of statements. However, legal aid in the name of the child is not available for tribunal appeals, because it is parents who have the right of appeal and therefore only their means can be taken into account. Legal help for tribunals covers the costs of preparing the appeal, including reasonable experts' fees, but it does not cover the costs of payment for experts to attend the appeal hearing, or the costs of legal representation.