

## **Legal Help and Controlled Legal Representation in Mental Health**

This scheme is designed to enable us to provide legal assistance in appropriate cases in relation to Mental Health.

### Legal Help – Non MHRT

This part of the scheme is designed to enable us to provide legal assistance. At the initial meeting we will assess your eligibility for public funding. We are required to obtain evidence of your means and you will be asked to provide this before we can proceed. If you are eligible you will not be required to make any contribution towards our costs.

The scope of this part of the scheme is limited to cases where the issue(s) have not included work relating to the First-tier Tribunal (Mental Health) process, i.e. a First-tier Tribunal (Mental Health) hearing has not been applied for, listed or prepared for or taken place over the length of the case. Such work includes:

- Hospital Managers' Reviews
- Care Programme Approach meetings
- Section 117 meetings
- Assisting with a complaint when other complaints processes have been exhausted or are not appropriate
- Advocating on legal issues relating to provision or non-provision of treatment

The Fixed Fee we receive for the above is £281.

### Controlled Legal Representation

This part of the scheme is designed to enable us to provide legal assistance and does not require us to assess your eligibility for public funding and nor do you have to pay any contribution towards our costs.

### Level 1

This part of the scheme allows us to give initial advice in any matter where a client is eligible and wishes to apply, or has applied, to the First-tier Tribunal (Mental Health). It covers the initial visit to see the client and subsequent advice.

The Fixed Fee we receive for the above is £143.

### Level 2

This part of the scheme begins once the initial advice has been given. It covers all negotiation and preparation for the First-tier Tribunal (Mental Health) hearing. It also includes any attendance at Hospital Managers' Reviews or other meetings (such as CPAs and s117 meetings) between the listing of an application for a First-tier Tribunal (Mental Health) hearing and the hearing itself.

The Fixed Fee we receive for the above (as well as or instead of the £143 above) is £357.

### Level 3

This part of the scheme covers the act of representing a client before the First-tier Tribunal (Mental Health). In general this fee (together with any Adjourned Hearing fee(s) that are payable) covers all the sittings of the Tribunal until decision (disposal) is reached.

The Fixed Fee we receive for the above (as well as or instead of the £143 and £357 above) is £327.

### Adjourned Hearing Fee

This fee is payable when a hearing adjourns, is postponed or is cancelled on the day of the hearing and is payable instead of (or as well as if a subsequent hearing takes place) the Level 3 fee.

The Fixed Fee we receive for the above is £130.

Any disbursements incurred on your behalf are in addition to the fixed fee or actual costs we receive. VAT at the standard rate will also be charged where applicable.

### Our Fees

Under both parts of this scheme we will be paid fixed fees from Legal Services Commission (LSC). However if, using the prescribed rates referred to below, the costs of your case are in excess of three times the standard fee that would normally be payable to us by the LSC for such matters we are entitled to claim for all work at the prescribed hourly rates.

Prescribed rates used to calculate the actual costs of the work carried out under the Legal Help / Controlled Legal Representation have been set at;

- Legal Help £51.05 per hour for work other than travelling, which is paid at £28.60 per hour. Routine letters and telephone calls are paid at the rate of £4.05 per item.
- Controlled Legal Representation £60.10 per hour for work other than travelling, which is paid at £30.90 per hour and Advocacy, which is paid at £73.10 per hour. Routine letters and telephone calls are paid at the rate of £4.30 per item.

Please note that we are required by the LSC to close your file if we do not hear from you for a period of time. Our policy is to take that step if we have been without instructions from you for 1 month. However, this time does not start to run if we have agreed with you that we will place your matter on hold for a specified period until the end of that period. In addition, in the event of you requiring assistance again at some later stage, you are of course free to contact us and, providing you are still eligible, we will be able to ask you to sign a further Legal Help / Controlled Legal Representation form and re-open the matter.