

Factsheet B24: Legal Aid for benefit appeals

For a full guide to circumstances where Legal Aid might be available, please go to <https://www.gov.uk/check-legal-aid>

This document only looks at when you can get help with benefit appeals.

Legal Aid is not available for appealing a benefits decision in what is known as the First-Tier Tribunal. This is where your appeal is heard for the first time. If you want legal advice for this, you would either have to see a solicitor (which you would have to pay for), or seek support from a local advice agency.

Legal Aid is available if you want to appeal a benefits decision on a point of law to the Upper Tribunal, Court of Appeal or Supreme Court.

Before you can do this, you must have had your benefits appeal heard by the First-Tier Tribunal, and after they have made their decision, you would have to ask them for a Statement of Reasons.

From their Statement of Reasons, you need to be able to identify where they have made an error in law in their decision-making. It is on that point (or points) of law that you may be able to appeal to the Upper Tribunal, who are the next highest Court, and ultimately also have your appeal heard in the Court of Appeal or Supreme Court.

You have to ask for permission to appeal to the Upper Tribunal, and not every case is given permission. Legal Aid is also available if the First-Tier Tribunal



has refused you permission to appeal your benefits decision in the Upper Tribunal, and you want advice about how to appeal this decision.

Where Legal Aid is available, you must also qualify financially. To qualify for legal aid:

- your income (or combined income if you have a partner) shouldn't be more than £2,657 a month before tax
- your savings (or combined savings if you have a partner) shouldn't be more than £8,000

These limits can vary in certain circumstances – for example, if you need advice about domestic abuse.

If you do qualify financially, you'll be able to speak to Civil Legal Advice (CLA), a national helpline for certain legal aid problems in England and Wales. You need to complete the information here first:

<https://checklegalaid.service.gov.uk/contact>.

The CLA operator will check all the information you've given through this service. You'll need to provide evidence of your finances and a specialist will ask you about your case in more detail before your application can progress.

To complete the financial assessment, you and your partner (if you have one) will need:

- recent payslips (if you're working) and bank statements
- a summary of your income tax and National Insurance contributions
- details of any savings and investments you have
- details of any benefits you receive
- mortgage statements and a current valuation for any property you own



If you're under 18, you should contact Civil Legal Advice (CLA) without completing the financial assessment. You need to complete the information here first: <https://checklegalaid.service.gov.uk/contact>

If you're deaf or hard of hearing you can book a British Sign Language interpreter at <https://www.interpretingline.co.uk/home> by completing a request form. Once complete, the operator will get back to you to complete the eligibility check and provide any further advice.

Go to <https://www.lawworks.org.uk/legal-advice-individuals> for more information about other sources of advice.

If you require further information or would like this Factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing: info@equallives.org.uk, or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

