



## Legal Support

### About Legal support, advocacy and mediation

Some life events and situations such as family breakdown, disputes about education, complaints about medical treatment, criminal matters and decision-making problems around mental capacity mean that parents and families can face legal issues.

### Getting legal advice

There is a wide range of legal and family rights advisory services but it is not easy to know the best way to start resolving your issue. With a wide range of websites offering information and 'solutions', a good place to start may be to read through an independent, free advice service that covers the basics (see Legal Choices and Citizens Advice in Resources pages).

### About advocacy

Young people who are reliant on the care system, children's services and inpatient units are often unaware of their rights and feel ill-equipped to access the support to which they are legally entitled. They often do not feel they have a voice. Advocacy services provide professional adults to represent them and speak on their behalf. Advocates listen carefully to what the young person wants and needs, and together they agree decisions and actions (see links in the signposting section).

### About mediation

Mediation can help families sort out their differences and difficulties, at times when they may be at loggerheads and unable to find a solution. Mediators don't take sides and don't tell one side or the other what to do; they work with both parties to reach an agreement that everyone can accept, including listening to the child's point of view.

The kinds of issues mediation can help with are:

- Contact and resident arrangements after separation and divorce
- Child maintenance payments
- General finances (for example, disputes over a Will, a house, savings, pension and debts).

Mediation can be a useful and less expensive alternative to taking a matter to court. Mediation is free for people who qualify for legal aid.

## Legal Aid

Legal aid can help meet the costs for legal advice and representation in a court or tribunal. These factors will be considered:

- Whether the case is eligible for legal aid
  - How serious the problem is
  - Individual's ability to pay for legal costs
- (See Resources page for link to legal aid checker).

## Mental capacity

Mental capacity is the ability of a young person over the age of 16 to make their own decisions. This means being able to:

- Understand information given to them in relation to a decision
- Remember the information long enough to make a decision
- Use or weigh up the information available
- Communicate their decision in any way which can be recognised

If they are unable to meet these criteria, they are considered to be 'lacking capacity'.

## When a young person 'lacks capacity'

Young people who lack mental capacity may include but are not limited to those with learning disabilities, mental health problems or brain injury.

The law that protects anyone over the age of 16 living in England or Wales who is not able to make decisions is the Mental Capacity Act 2005 (MCA). The MCA sets out who can make decisions for a young person over the age of 16 if they lack mental capacity and these need to be 'in the best interests' of the individual.

When a young person over the age of 16 has been assessed as lacking mental capacity, there may be many different people and agencies involved in making decisions on their behalf, depending on the complexity of the situation. This includes parents, medical and educational professionals and other agencies. For parents, the MCA provides a clear framework for who is consulted in the decision-making process and when (for example in life-saving treatment).

## When a young person 'has capacity'

In law, young people aged 16 and over are presumed to have capacity. They can consent to, or refuse, treatment in their own right, including hospital admission.

They can refuse access to their medical records and not give consent for clinicians to disclose information to parents.

## Under 16s

The MCA does not apply to under 16s. In order to decide whether a child under 16 is able to consent to their own medical treatment, without the need for parental permission or knowledge they are assessed to establish if they are competent to make such decisions. This assessment is referred to as 'Gillick Competence'.

## What can help? What to do next

These are some things that may really make a difference:

1. Keep the needs and emotional and physical wellbeing of your child as the most important consideration in whatever situation you are dealing with.
2. Keep repeating your commitment to support them – tell them as often as possible that you are with them every step of the way.
3. Encourage trust and openness so they can talk about how they feel, how difficult situations are affecting them. It will help them to believe they don't need to feel guilty or ashamed about their problems, and they won't be judged negatively.
4. Be honest about what is going on, especially if the child is witnessing anger, frustration, resentment, threats and unhappiness. Answer their questions simply, and appropriately for their age.
5. Don't ask the child to take sides, don't use them as a sounding board or leverage and don't make them feel responsible.
6. Avoid any public declarations or information-sharing on social media or indeed national media about legal or family disputes. This can be disastrous and have long-term and unintended consequences, most particularly for your child.
7. Even when other things around feel like they are falling apart, maintaining some routine and normality will help children to feel safer. The world may appear to be frightening or very different for a young person experiencing tough times with their education, mental health or family breakdown.
8. Focus on positives. Hang on to successes. Acknowledge the good things.
9. As a parent, take care of your own health and wellbeing. Build your support network, and make sure that you do things that are for you – however small.
10. Ask for help when you need it. There is support out there – formal and informal.
11. Develop senses of belonging. Finding an interest in something can give meaning and purpose to a young person. Find activities to do which encourage self-esteem, which your child enjoys and benefits from, which develops their skills and talents, and a sense of self-worth. Do the same for yourself.
12. Encourage hope for the future. This will help encourage your child to understand that there is the potential for things to get better, that they can overcome obstacles, and that any given situation may be temporary.

# Finding support

All resources listed on this sheet are for information only. While every effort has been made to ensure accuracy, YoungMinds cannot accept responsibility for changes to details made by other organisations.

Legal Services	
<p><b>Child Law Advice</b> (from Coram Children's Legal Centre)  <a href="http://www.childlawadvice.org.uk">www.childlawadvice.org.uk</a>            Provides free legal advice and information on child, family and education law to parents, carers and young people.</p> <p>Phone support available Monday–Friday 8am–6pm.</p> <p>If you are calling about family or child law, the number is 0300 330 5480.</p> <p>Email: <a href="https://childlawadvice.org.uk/email-advice-family">https://childlawadvice.org.uk/email-advice-family</a></p>	<p><b>citizens advice</b>  <a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a>            Regional-specific advice on most areas and services that affect citizens of the UK. Open Monday-Friday 9am-5pm.</p> <p>Advice line: 03444 111 444            Text relay: 03444 111 445</p> <p>Online chat (usually available 10am-4pm):</p> <p>General enquiries <a href="http://www.citizensadvice.org.uk/about-us/contact-us/contact-us/web-chat-service">www.citizensadvice.org.uk/about-us/contact-us/contact-us/web-chat-service</a>            Speak to a debt advisor <a href="http://www.citizensadvice.org.uk/about-us/contact-us/contact-us/chat-service-money-and-debt">www.citizensadvice.org.uk/about-us/contact-us/contact-us/chat-service-money-and-debt</a></p>
<p><b>Law Stuff</b> (from Coram Children's Legal Centre)  <a href="http://www.lawstuff.org.uk">www.lawstuff.org.uk</a>            Free legal information for young people. Complete their online form and you will be contacted by an adviser: <a href="http://lawstuff.org.uk/contact-us">http://lawstuff.org.uk/contact-us</a></p>	<p><b>Legal Choices</b>  <a href="http://www.legalchoices.org.uk">www.legalchoices.org.uk</a>            Legal Choices helps you to decide whether you need legal advice, and what steps to take.</p>
<p><b>Community Legal Advice</b>  <a href="http://www.gov.uk/civil-legal-advice">www.gov.uk/civil-legal-advice</a>            Free and confidential legal advice in England and Wales for those eligible for legal aid. Open Monday-Friday 9am-8pm, and Saturday 9am-12.30pm.</p> <p>Phone: 0345 345 4345            Request a call back by texting 'legalaid' and your name to 80010 (same price as a normal text).</p>	<p><b>The Scottish Child Law Centre</b>  <a href="http://www.sclc.org.uk">www.sclc.org.uk</a>            Free legal advice around child law for children and young people, their families and carers and professionals. Open Monday-Friday 9.30am-4pm.</p> <p>Adult line: 0131 667 6333            Under 21s: 0800 328 8970 (landline) and 0300 330 1421 (mobiles)            Email: <a href="mailto:enquiries@sclc.org.uk">enquiries@sclc.org.uk</a></p>
<p><b>Children's Law Centre</b> (Northern Ireland)  <a href="http://www.childrenslawcentre.org.uk">www.childrenslawcentre.org.uk</a>            Freephone advice line for children and young people: 0808 808 5678            Email: <a href="mailto:chalky@childrenslawcentre.org">chalky@childrenslawcentre.org</a></p>	<p><b>Family Rights Group</b>  <a href="http://www.frg.org.uk">www.frg.org.uk</a>            Advises families whose children are involved with or need children's services because of welfare needs or concerns. Open Monday-Friday 9.30am-3pm.</p> <p>Freephone helpline: 0808 801 0366</p> <p>Information and discussion board for parents, family and carers available on the website.</p>
<p><b>Cafcass</b> (Children &amp; Family Court Advisory &amp; Support Service)  <a href="http://www.cafcass.gov.uk">www.cafcass.gov.uk</a>            Cafcass is an independent organisation that represents children in family court cases so that children's voices are heard and decisions can be made in their best interests.</p> <p>Phone (office hours): 0300 456 4000            Email: <a href="http://www.cafcass.gov.uk/contact-us">www.cafcass.gov.uk/contact-us</a></p>	<p><b>Legal Aid</b>  <a href="http://www.gov.uk/legal-aid">www.gov.uk/legal-aid</a>            Legal aid can help to meet the costs of legal advice, family mediation and representation in a court or tribunal.</p> <p>Eligibility checker for non-criminal cases:  <a href="http://www.gov.uk/check-legal-aid">www.gov.uk/check-legal-aid</a></p>

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Advocacy services	
<p><b>Coram Voice</b>  <a href="http://www.coramvoice.org.uk">www.coramvoice.org.uk</a>            Advocacy for children and young people in care, leaving care, with a social worker or in need of one. Service covers those in psychiatric units.</p> <p>Open Mon-Fri 9.30-6pm and Sat 10-4pm.</p> <p>Freephone helpline: 0808 800 5792            Whatsapp and text: +44 (0)7758 670369            Email: <a href="mailto:help@coramvoiceyp.org.uk">help@coramvoiceyp.org.uk</a></p> <p>Interpreter services available.</p>	<p><b>Advocacy Service</b>  <a href="http://www.nyas.net">www.nyas.net</a>            Offers information, advice, advocacy and legal representation to children, young people and vulnerable adults.</p> <p>Mon-Fri 9am-8pm and Sat 10am-4pm.            Helpline: 0808 808 1001            Email: <a href="mailto:help@nyas.net">help@nyas.net</a></p>
For young people in care	For young people in inpatient care
<p><b>Become</b>  <a href="http://www.becomecharity.org.uk">www.becomecharity.org.uk</a>            Supporting children in care and young care leavers.</p> <p>Open Monday-Friday 10am-5pm.</p> <p>Advice line: 0800 023 2033 M            Email: <a href="mailto:advice@becomecharity.org.uk">advice@becomecharity.org.uk</a></p>	<p><b>Headspace toolkit</b>  <a href="http://www.mhcirl.ie/File/htguidebook.pdf">www.mhcirl.ie/File/htguidebook.pdf</a>            A young person's guide to legal rights, taking part in decision making and expressing their views.</p>
Mediation	Special Education
<p><b>Family Mediation Council</b>  <a href="http://www.familymediationcouncil.org.uk">www.familymediationcouncil.org.uk</a>            Family mediation can help sort out arrangements between family members - whether they are married or unmarried, parents, grandparents, step-parents or young people.</p> <p>You can use their local directory to search for mediators near you.</p> <p>Mediation is free for those who qualify for legal aid.</p>	<p><b>Independent Parental Special Education Advice (IPSEA)</b>  <a href="http://www.ipsea.org.uk">www.ipsea.org.uk</a>            Offers free and independent legally based information, advice and support to help get the right education for children and young people with all special educational needs and disabilities (SEND).</p> <p>Book a telephone appointment at <a href="https://database.ipsea.org.uk/book/al">https://database.ipsea.org.uk/book/al</a></p> <p>If you have any trouble booking an appointment, go to <a href="https://www.ipsea.org.uk/booking-support">https://www.ipsea.org.uk/booking-support</a>.</p>
<p><b>MindEd Families</b>  <a href="http://www.minded.org.uk/families/index.html">www.minded.org.uk/families/index.html</a>            MindEd for families is a website where you can hear about other parents' experiences and find clear, helpful guidance on children and young people's mental health and wellbeing.</p>	<p><b>YoungMinds Crisis Messenger</b>            If you, or someone you are caring for, is experiencing a mental health crisis, you can text the Crisis Messenger for free, 24/7 support.</p> <p>Text YM to 85258.</p> <p>Texts are free from EE, O2, Vodafone, 3, Virgin Mobile, BT Mobile, GiffGaff, Tesco Mobile and Telecom Plus. This service is powered by our trusted partner, Crisis Text Line.</p>