

Community Legal Services
Spoken Word Advice Pack



Introduction

Welcome to the Community Legal Services Spoken Word Advice Pack produced by Sefton council's Trading Standards Service, BBC Radio Merseyside and the Legal Services Commission.

The Community Legal Service provides 31 leaflets on different kinds of law, these can be obtained by telephoning a Legal Services Commission Office or at www.clsdirect.org.uk

Community Legal Service Direct is a free service to help you solve your legal problems. You can telephone 0145 345 4345 to speak to a qualified legal adviser about Welfare Benefits, Debt or Education or find local services for other problems.

This Compact Disk (CD) will give you an overview of some of the main problems you may encounter in your everyday life.

The CD contains advice on the follow subjects:

Problems with Goods and Services

Dealing with Debt

Your Rights at Work

Your rights if your Marriage Breaks Down

Living Together - Your Rights if you separate

Buying and Selling Property

Renting and Letting

Losing your Home

Claiming Asylum

Immigration and Nationality

Rights for Disabled People

Racial Discrimination

Dealing with the Police

Neighbourhood and Community Disputes

The Advice Pack is intended as a guide, advice on specific legal issues should be directed to one of the agencies listed under "Further Help".

PROBLEMS WITH GOODS AND SERVICES

If you have problems with something you buy or pay for, there are laws that can help you.

What should I do if I have a problem with something I buy from a shop?

You should tell the shop as soon as you can, they may offer to give you a refund, fix it for free or replace it.

How would they know what to do?

The law states what a shop should do if goods they sell are not satisfactory.

What should I do if they won't help me?

If the shop won't put things right or if you have problems with a service, for instance home improvements you can get help and advice from Consumer Direct or the organisations listed in the further help leaflet supplied with this CD.

DEALING WITH DEBT

If you are behind with payments to someone you owe money to called a 'creditor', they have legal powers to get their money. Some debts are more serious than others and have to be dealt with first.

So which debts should I deal with first?

Rents and Mortgages, if you have missed your rent or mortgage payments, landlords and mortgage lenders may have the right to evict you. They have to go to court to do this and it can take some time so you should start making regular payments as soon as possible and try to agree a payment to clear the amount you owe.

If I rent my flat from a private landlord would I be treated differently?

You should get specialist help if you rent your property from a private landlord.

What about Council Tax Bill problems?

If you haven't paid your council tax, the first step the Council will take to force you to do this will be to threaten you with an application for a 'liability order' in the Magistrates Court. If the court grants the liability order, it will mean the Council can:

- Use bailiffs to get the money from you (by taking things of value that you own); or
- Take money from your wages or benefits.

Which debts should I deal with next?

Gas, electricity, phone bills and water rates. You could seek advice from any of the agencies listed in further help or get in touch with the company to arrange repayments.

How should I deal with my other debts?

Once you have arranged to pay all the above important debts you should work out if you have any money left then arrange to pay any loans or credit card debts by dividing this money between them. You can get help to do this from a money adviser, Community Legal Service Direct can put you in touch with one near to where you live, or you can contact one of the agencies listed in the support material.

YOUR RIGHTS AT WORK

Every employee has a legal right to receive a written statement, which sets out your terms of employment. You should get this within two months of starting your job.

Do I have the right to work in the UK?

There are different documents to prove that you have the legal right. These include:-

- a national insurance number;
- a former P45;
- a work permit; or
- the right stamp in your passport.

How much can I expect to be paid?

We now have a national minimum wage in the UK, your employer must not pay you less than this. You cannot be forced or persuaded by your employer to sign away your right to the national minimum wage. If you are not receiving the minimum wage and you complain, you have legal protection from being unfairly dismissed or victimised by your employer. If you are not being paid the national minimum wage, you can complain to the National Minimum Wage Helpline.

What is the national minimum wage?

As of October 2005, it is £5.05 if you are 22 and over, £4.25 for 18-21 year olds and £3.00 for 16-17 year olds. These figures change every October.

How many hours can my employer make me work?

Your employment contract or written statement of terms should tell you your normal working hours. The Working Time Regulations say that you should not work more than 48 hours a week on average, unless you have agreed in writing to work more.

Does my employer have to recognise my Trade Union?

Your employer may have to deal with a union when negotiating workers terms and conditions.

Where can I get further help on employment issues?

You can get help from any of the agencies listed in the further help leaflet supplied with this CD.

YOUR RIGHTS IF YOUR MARRIAGE BREAKS DOWN

Do I need a solicitor to get divorced?

It is probably a good idea to get some specialist advice from a solicitor when you start to think about separating or divorcing but you may decide that you can sort things out yourself.

You will need the help of a solicitor if:

- you have children
- you've been married for more than a short time (say, five years); or
- you have belongings and money matters including your home to sort out.
- you have a private pension

Can I sort out my own divorce?

Yes, but usually only if your situation is straightforward.

Your local County Court has guidance booklets and forms you will need.

Can I avoid going to court?

You still need to go through the courts to get a divorce, but 'mediation' is an alternative way of helping couples reach their own agreements about children and money.

Do I need a solicitor as well as a mediator?

Mediators cannot give you advice on your own legal position, so you will probably need a solicitor to make sure that the agreement reached is best for you. Also, it is sensible to turn any agreement about financial matters that you reach into a court order.

What can I do if I do not want to get divorced?

You can get a legal separation.

What do I need for a legal separation?

All you need to do is live apart to be legally separated.

Can we make the terms of our separation legal?

You can record any agreement that you reach about children, money and property in a formal document. You will need the help of a solicitor to do this. The document is called a 'deed of separation'. The alternative can be to get a judicial separation, which is granted by a Court.

What if we can't agree on financial matters when we separate or divorce?

There are ways of getting maintenance from your husband or wife from the court, and you can use the Child Support Agency for child maintenance.

What should I do if my husband or wife or partner if not married is violent towards me or the children?

The first thing is to take practical steps to protect yourself and your children and then call the Police. If you need to leave your home temporarily there are refuges you could go to. You may also be able to get a Court Order to make your partner leave the home and stop pestering or attacking you. You should arrange to see your solicitor as soon as possible. If you have physical injuries it can help to get photographs or other evidence of these as it may help your case.

LIVING TOGETHER - YOUR RIGHTS IF YOU SEPARATE

Some people who live together do not fit easily into the legal system, and the fact that you live together does not give you legal rights over each other, or legal responsibilities to each other. Neither of you can claim maintenance (money) from each other or automatically inherit property if the other dies.

Is there anything that can be done about this?

A new law which came into force in December 2005 will allow same sex couples to register their partnership and then be treated in many ways as if they were married. This will not apply to unmarried male-female couples.

What happens to our home if we separate?

If you set out your legal position properly when you start living together, it saves problems if you later split up. For instance, if you buy property between you, you need to make sure the paperwork sets out how the property is owned and your wishes for the future.

How can we do that?

You could make a 'living together agreement', you can get help from The Advice Services Alliance website, which is listed in further help.

Do we need to do anything if we have children?

An unmarried mother has parental responsibility for her children. This means she has all the rights and duties of parenthood.

What about the father?

The father would have the same rights and responsibilities as the mother if he is named on the birth certificate or there is an agreement or a court order for parental responsibility.

You can get further help from the organisations listed on the leaflet supplied with this C.D.

BUYING AND SELLING PROPERTY

What should I do if I want to sell my property?

If you are buying or selling a house or flat, your first contact will probably be with an estate agent.

If you have a complaint which you can't resolve with the agent or through a professional association (if it is a member), what should you do?

You should contact the trading standards department at your local council. There is also an Ombudsman for Estate Agents who will consider a complaint. However, not all estate agents are members of the scheme, and you may want to check before entering a contract with one.

If a buyer has been given false information about the property before they agreed to buy it, do they have a claim against the estate agent or the seller.

The buyer and the seller are legally committed to the sale and cannot pull out once contracts have been signed and the contracts have been exchanged by their solicitors or conveyancers. At this point, the buyer will usually pay 10% of the agreed price.

The sale will complete when the buyer pays the rest of what they owe.

What can I do if something goes wrong?

If you have had a poor service from your solicitor or conveyancer, and they haven't dealt with your complaint satisfactorily, you can do the following:

- For a solicitor, you can complain to the Law Society's Consumer Complaints Service. If you are not happy with how they have handled your complaint, you can then take it to the Legal Services Ombudsman.
- For a conveyancer, you can complain to the Council for Licensed Conveyancers.

If you lose out financially because of the solicitor or conveyancer didn't do something they should have or did something they shouldn't have, you may have a case for compensation. You will need a solicitor for this.



RENTING AND LETTING

If you pay rent/money to someone called a landlord for the place where you live then you are a tenant. The law for tenants and landlords is complicated and your rights will depend on what type of agreement you have.

How would I know what type of tenant I am?

You should check your written agreement you received from your landlord. If you don't have one ask your landlord for a copy, it is called a tenancy agreement.

What should it contain?

It should tell you who your landlord is, if it is Council or Housing Association, or a private landlord.

What is the difference?

You will have more protection if your landlord is the Council or Housing Association. Less protection if you have a private landlord especially if that person or someone working for them lives on the premises or comes into the room on a more or less daily basis to clean.

If I share with someone do I still have rights?

Not if you don't have your name on the tenancy agreement.

What if the landlord wants to end the tenancy

In most cases a landlord must serve notice if they want to end a tenancy. If the tenant does not leave by the end of the notice period, the landlord can start 'possession proceedings'. The tenant does not have to leave at the end of the notice period, but they may have to pay the landlord's costs of going to court if they don't.

What happens if the landlord gets a possession order?

If the court grants the landlord 'outright possession' by a certain date once that date has passed, they can apply for a warrant. This means the court will tell officials called bailiffs to evict the tenant. If you are a tenant and you receive a bailiff's warrant, you should get advice and help immediately.

It is generally illegal for a landlord to evict a tenant without a court order. There are a few situations where the tenant does not have this protection. The most common is where they share the living space with their landlord.

If you are a tenant who is being harassed, or you are facing illegal eviction by a private landlord, contact the tenancy relations officer at your local council.

LOSING YOUR HOME

If you are facing homelessness because your landlord wants you to leave your house or flat, there are laws to make sure that he or she deals with you fairly and gives you the opportunity to deal with money you owe for rent, for example. It is important to act quickly if you are homeless or facing homelessness.

In all of the Merseyside County Courts there are advisers there when 'possession cases' are being heard. They can help you to explain your situation and try to find a way to keep you in your home. The earlier you get advice the better though.

So what is homeless?

- You have somewhere to live, but you can't stay there because you are worried about your personal safety. The threat doesn't have to be from someone living at your home. It can also include a neighbour or ex-partner.
- Your home is in very poor condition, and a threat to health.
- You have nowhere that you can live together with your family.
- You have been locked out of your home, and you are not allowed back.
- You live in a caravan or houseboat and have nowhere to park it legally.

What can I do if I have nowhere to live?

If you are homeless or likely to become homeless through no fault of your own, the local council may have to offer you somewhere else to stay or to live. This will depend on your circumstances. You must be in 'priority need' and 'eligible for assistance'.

How would I know if I was eligible for assistance?

You may not be eligible if you don't normally live in the UK, not entitled to claim benefit or you recently returned to the UK after living abroad.

You should get advice if you are not sure, or if you think you might be able to get help for some other reason. Your adviser, doctor, or your social worker if you have one, should be able to help you with your case if you or someone you live with is vulnerable.

When won't the Council help me?

The Council probably won't help you if it finds that you are 'intentionally homeless'. This may be the case if:

- You chose to leave a home you could have stayed in;
- It was your fault you lost your home;
- The Council helped you get suitable accommodation but you did not take it up; or
- You made yourself homeless to take advantage of the system.

The Council should not claim that you are 'intentionally homeless' if:

- You lost your home because you couldn't pay your rent or mortgage, for example, after losing your job or not getting your benefit paid when you should have;
- Your home was unfit to live in; or
- You did not know about your rights to stay.

If the Council says you are intentionally homeless it must still house you for a short time if you are in priority need. But this will only be for long enough for you to find somewhere else to live.

Get expert advice about what to do next, because the law in this area is complicated.

What happens if my landlord wants me to leave my home?

If your landlord (whether they are private, the council or a housing association) wants you to leave, you have the right to stay in your home in most cases until they get an order from the Court called a 'possession order'. Normally they need to give you notice that they are doing this, unless they want you to leave because of anti-social behaviour.

Also the landlord will not need to get a possession order if you share the living space in your house or flat with your landlord. In that case, they only need to give you 'reasonable' notice to leave.

What if my landlord wants to evict me?

It is illegal for a landlord to evict a tenant without a court order, and that includes changing locks while you are out. However, if you live in a house or flat where you share your living space with a landlord, or your landlord provides meals or cleans your room, they don't need a court order, but they must still give you reasonable notice to leave.

What can I do if my landlord is harassing me?

If you are being harassed, or if you are facing illegal eviction by a private landlord, contact the tenancy relations officer (or the person who deals with harassment and illegal eviction) at your local council.

You can also take action through the courts yourself, though you'll need expert legal help to do this.



CLAIMING ASYLUM

Who qualifies for asylum?

Qualifying for asylum depends on whether you are a refugee. A refugee is someone who is outside his or her country of origin because of a well-founded fear of persecution for:

- race;
- religion;
- nationality;
- membership of a particular social group; or
- political opinion

What should I do ?

Specialist help is vital in any asylum application. Get advice as soon as you can. You can't be sent back to your country of origin until it has been shown that there is little or no risk to you. You could be sent back to another safe country without your claim being considered. You need to show that being persecuted would be a serious possibility.

How do I apply for asylum?

You can apply for asylum at any time, but you should normally apply either when you first arrive at a UK port or if you are already here lawfully as a student for example, you should apply when your fear of being persecuted in your country first arises.

Where do I apply?

- to the immigration officer on duty at an airport or seaport when you first arrive; or
- at the Home Office, Asylum Screening Unit in Croydon or Liverpool if you are already in the UK

What can I live on while I am waiting?

If you have no money you can claim support while your case is considered.

Where can I get further help?

If you need a legal representative to represent you free of charge, you can find one through the Community Legal Service (CLS). There are also other organisations which can provide expert advice with asylum and immigration issues.



IMMIGRATION AND NATIONALITY

Do I need permission to come to the UK?

If you are not a British Citizen or from one of the commonwealth countries you will need permission to stay, and some people also need a visa to enter the UK.

What if I am a citizen of a country within the European Economic Area?

You are free to come and leave the UK when you want.

What if I want to work in the UK?

You will usually need a work permit, the company you are going to work for must apply for the work permit then you will need to apply for permission to stay.

Can I do anything if I want to stay longer than I was originally allowed?

You will need to apply to the Home Office before your permission to stay runs out.

See further help for details of organisations you can contact for advice.

RIGHTS FOR DISABLED PEOPLE

The Disability Discrimination Act 1995 protects you if you are treated less favourably than someone else just because you have a disability.

What counts as a disability?

A physical or mental impairment which has a substantial and long-term adverse effect on normal day-to-day activities.

When can discrimination happen?

It can happen at work, school or college, when buying or using goods and services, or when buying or renting somewhere to live.

What are normal day-to-day activities?

Things like getting around, using your hands, lifting, physical co-ordination, being in control of bodily functions, also speech, hearing and eyesight, memory and concentration.

What can I do if I think I have been treated less favourably?

You can take a claim to an employment tribunal or Court. You can also get help from the organisations listed on the leaflet supplied with this CD.

RACIAL DISCRIMINATION

Discrimination happens when someone is treated less favourably than another in the same or similar situation. **So what is Racial Discrimination?**

This is when you are treated less favourably than someone else because of your race, colour, nationality or ethnic origin.

Is this the same as racial abuse?

No, racial abuse is a crime, so if you have been attacked for instance, you should contact the police.

What should I do if I have been discriminated against because of my race?

You can get advice from a trade union, local law centre, Citizens Advice Bureau or a Solicitor.

There is also a list of places where you can get further help in the leaflet provided with this CD.

DEALING WITH THE POLICE

The police do have powers they can use if they think you have committed a crime or about to commit a crime but, **what can I do if I have a problem with the police?**

The police should treat you with courtesy and respect so if a police officer treats you badly you can make a complaint to the Independent Police Complaints Commission. You will find their details in the further help leaflet.

Is there anything else I can do?

You can take legal action to claim compensation. It would be best to consult a solicitor to do this.

You can find a local solicitor by contacting Community Legal Service Direct, details are in the further help leaflet supplied with this CD.



NEIGHBOURHOOD AND COMMUNITY DISPUTES

Neighbourhood or community disputes often arise over things like noise, parking, pets, access to land and high hedges. **So what should I do if I have a problem with my neighbour?**

It is best if you can try talking to the person causing the problem, they may not realise they are causing you stress.

If that doesn't work what else could I do?

You could contact a mediation service, they would speak to everyone involved and try to reach a solution.

How can I do this?

You can find your nearest service, which is usually free, by contacting Mediation UK, listed in the further help leaflet.

What if mediation doesn't work?

You can contact your local council if it is a problem about noise. You will find the telephone number in the phone book.

Can I do anything if the problem is with children?

You can contact the local community police officer.

You will find details of organisations to help with nuisance and neighbour disputes in Further Help.



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Further Help

Community Legal Service Direct

tel. 0145 345 4345

www.clsdirect.org.uk

Consumer Direct

tel. 08454 04 05 06

Citizens Advice

(check phone book for local office)

Age Concern

tel. 0800 009 966

Advice Services Alliance

www.advicenow.org.uk/livingtogether

Advisory, Conciliation and Arbitration Service for Employment Problems

tel: 0845 747 4747

Amnesty International

tel. 020 7033 1503

Commission for Racial Equality

tel. 020 7939 0000

www.cre.gov.uk

Consumer Credit Counselling Service

tel. 0800 138 1111

Disability Rights Commission

tel. 08457 622 633

www.drc-gb.org

Equal Opportunities Commission

tel. 0845 601 5901

www.eoc.org.uk

Independent Police Complaints Commission

tel. 08453 002 002

Immigration Advisory Service

tel. 020 796 71200

Immigration Law Practitioners Association

www.ilpa.org.uk

Law Society

tel. 020 7242 1222

Liberty

tel. 0845 123 2307

Mediation UK (Community Mediation)

tel. 01179 046661

www.mediationuk.org.uk

**National Domestic Violence Helpline/
Womens Aid and Refuge**

tel. 0808 2000 247

National Minimum Wage Helpline

tel. 0845 6000 678

Ombudsman for Estate Agents

tel. 01722 333 306

www.oea.co.uk

Refugee Legal Centre

tel. 020 7780 3200

Shelter

tel. 0808 800 4444

www.shelter.org.uk

If you wish to make any comments regarding this Advice Pack please write to Trading Standards Manager, Environmental Protection Department, 1st Floor Magdalene House, Trinity Road, Bootle.

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