

Help with Family Mediation

This form, signed by the mediator, must be held on file in order to be able to make a claim for help with family mediation. If the enhanced fee for preparation of a consent order is claimed a copy of the mediation agreement/Memorandum of Understanding and copy of the consent order should also be held on the file.

	nities Monitoring th your client would describe themselves as bei	ing:
Ethnicity		
White	Mixed	Asian or Asian British
☐ (a) British	(a) White and Black Caribbean	∐ (a) Indian
(b) Irish	(b) White and Black African	└ (b) Pakistani
\square (c) White Other	\square (c) White and Asian	\square (c) Bangladeshi
Black or Black British	(d) Mixed Other	(d) Asian Other
(a) Black Caribbean	☐ Chinese	Other
(b) Black African	☐ Gypsy/Traveller	\square Prefer not to say
\square (c) Black Other		
Disability		
long-term adverse effect o Not Considered Disabled	ines disability as: a physical or mental impairment in a persons ability to carry out normal day-to-	ay activities.
Definitions:	,,,	
Mental health condition	Blind	
Learning disability/difficulty Mobility impairment		Il illness or health \Box
Deaf	Other	
Hearing impaired	Unknown	
Visually impaired	☐ Prefer not to say	
4 Completion of this section is voluntary. This will be treated in the strictest confidence and will be used purely for statistical monitoring and research.		
Your client's de	etails	
Title: Initials:	Surname:	
First name:	Surname at birth:	
Date of birth:/ National Insurance no: (if different)		
Sex: Male Female Prefer not to say		
Marital status: Single Married/Civil Partner Cohabiting		
	arated Divorced/dissolved CP	Widowed
(LOWII)	Job:	
Current address:	Postcode:	
	F USICULE.	

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Type of mediation	n:(Child Only, Property & Finance or All Issues)
	(Child Only, Property & Finance or All Issues)
Signed	
Name of recognis	sed Mediator(s):
Mediation Account	nt Number:
Address of Servi	ce:
	Postcode:
Financial E	Eligibility
1. The client is a	a child under the age of 18:
Yes	Go to question 2.
□ No	Go directly to question 5 to continue assessment.
2. The child's m	neans are to be aggregated with a maintaining adult:
Yes	Go directly to question 5 to continue assessment.
☐ No	Go to question 3.
earnings (les	ild receive any money on a regular basis? Do not include any part-time ss than 16 hours per week), holiday jobs, pocket money, or any that you get for the child.
Yes	Go directly to question 5 to continue assessment.
☐ No	Go to question 4.
	ild have any savings, items of value or investments totalling £2,500 or more?
4. Does this Ch	ind have any savings, home or value or investments totaling 22,000 or more.
	Go to question 5 to continue assessment.
☐ Yes	

client declaration on page 8.

Financial E	Eligibility continued		
5. The client h	as a partner whose means are to be aggregated:		
□Yes	Please provide details of both client's and partner	er's means.	
□No	Please provide details of client's means only.		
6. The case is	about ownership or possession of assets and / or	r financial provisio	on:
☐Yes	Go to question 7.		
□No	Go directly to Part B Capital.		
7. The client's	assets (held in sole name or jointly held) have be	en claimed by the	e opponent:
Yes	Please complete Part A Capital - Subject matte	r of dispute.	
□No	Go directly to Part B Capital.		
by the oppo	matter of dispute disregard only applies to asset onent. All assets that have not been specifically c in Part B Capital.	•	•
•	oital - Subject matter of dispute property, assets or possessions that the opponent	` '	m to in this case:
	Current market value	£	
	Outstanding Mortgage/secured loan	£	
2. Is property hel	d in joint names with the opponent?	□Yes	□Yes
	held in joint names with the opponent, equal ormally be assumed for assessment purposes.	□No	□No

Part A: Capital - Subject matter of dispute (SMOD) continued Main home Other property 3. Client's share of property for assessment? 4 Enter 50% when property is jointly owned with opponent. Select 100% when property is solely owned by client or jointly with partner. Enter an appropriate % if another party has an interest. 4. Total Net Equity (i.e. current market value minus mortgage disregard): 4 Deduct the full amount of any debt secured by a mortgage or charge on the property. 5. Client's share of Total Net Equity: 4 Multiply answer to question 4 by answer to question 3. 6. Final assessed amount of Client's equity: 4 Calculated by applying the SMOD disregard; followed by the equity disregard of £100,000 to the main home. 4 The maximum SMOD disregard is £100,000. 4 The SMOD disregard must be applied to the main home first (i.e. deducted from the client's share of total net equity shown as answer to question 5); any remainder (i.e. only if client's share of total net equity in main dwelling is less than £100,000) should then be applied to other property. 4 You must not reverse the order of the disregards 7. Other assets and possessions claimed by the opponent: Client and Partner Savings (bank, building society, etc) Investments (shares, insurance policies, etc) Valuable items (boat, caravan, jewellery, etc) £_____ Other capital (including money due to the client) **Total capital Part A** 4 This is the total capital amount after applying the SMOD disregard of £100,000 to the assets in this section. 4 If there are no SMOD property assets, apply the full £100,000 SMOD disregard to the assets set out in question 7 above.

4 Please list all client's and partner's property, assets or possessions not included in Part A. 4 Capital excludes household furniture and effects (unless exceptional value), clothes and tools of trade. 1. Property: Main home Other property Current market value: Outstanding Mortgage/secured loan: 2. Is property held in joint names with the opponent? ☐Yes □Yes 4 If property is held in joint names with the opponent, equal No □ No shares will normally be assumed for assessment purposes. 3. Client's share of property for assessment: 4 Enter 50% when property is jointly owned with opponent. Select 100% when property is solely owned by client or jointly with partner. Enter an appropriate % if another party has an interest. 4. Total Net Equity (i.e. current market value minus mortgage disregard): 4 Deduct the full amount of any debt secured by a mortgage or charge on the property. 5. Client's share of Total Net Equity: 4 Multiply answer to question 4 by answer to question 3. 6. Final assessed amount of Client's equity: 4 After applying equity disregard of £100,000 to client's share of total net equity in main home (shown as answer to question 5). Client **Partner** 7. Other assets and possessions: £_____ Savings (bank, building society, etc) £_____£___ Investments (shares, insurance policies etc) Valuable items (boat, caravan, jewellery, etc) Other capital (including money due to the client) **Total capital Part B** Total of all capital assets (Part A and Part B)

Part B: Capital

Part C: Income			
•	directly in receipt of Income Support, I lent and Support Allowance or Guaran		bbseeker's Allowance,
☐ Yes Go	directly to the Evidence section on pag	je 7.	
☐ No Continue with income details.			
	s tiply by 52 & divide by 12) multiply by 13 & divide by 12)		
Income includes:		Client	Partner
4 Gross monthly earn	ings	£	£
4 Other income (including child benefit, pensions, maintenance, dividends, tax credits, benefits in kind, etc)		£	_ £
	Total gross income	£	_ £
Total g	gross income (Client and Partner)	£	
Less monthly allowand			
•	nt* (capped if client has no dependents)	£	£
Rent* (capped if client has no dependents)		£	£
* amounts should be net of housing benefit			
4 Dependents' allowa	nces: Partner	£	_
Dependents	Aged 15 and under	£	_
	Aged 16 or over	£	_
4 Tax and National Insurance		£	£
4 Standard allowance for employment expenses		£	£
4 Maintenance payments actually being made		£	£
(eg for children and/or a former/separated spouse)4 Childcare costs because of work/self employment		£	_
4 Payment of income contribution order (criminal legal aid)		£	_ £
	Total allowances	£	£
Total monthly disposable income		£	_ £
•	Total monthly disposable income (Client and Partner)	£	

Evidence		
Evidence given in support of means	Yes you will need to complete the evidence checklist on page 14.	No 🗌
If no, please record justification or except	onal circumstance.	

Client's Certification Please tick the box below which a	oplies to you:-	
· _ ·	vith family mediation/family help (lower) from a this matter within the previous 6 months.	
I have already received help with or contracted provider on this ma	family mediation/family help (lower) from a solicitor tter. If so, please state when.	
As far as I know all the information I ha and I have not withheld any relevant in	ave given is true including information as to my means formation.	
I understand that I must tell you immed financial circumstances.	liately if there are any changes in my or my partner's	
and Pensions (DWP) and the HM Reve	s with other parties such as the Department of Work enue and Customs (HMRC) and I authorise those provide the information they are asked for.	
	nation or withhold any relevant information the celled at which point I will become liable to pay I and I may be prosecuted.	
Signed:	Date:	
Partner's declaration		
If you have a partner whose details l must sign the authority below.	nave been completed on this form then they	
This is a true statement of all my incom	ie and assets in the UK and abroad.	
and Pensions (DWP) and the HM Reve	s with other parties such as the Department of Work enue and Customs (HMRC) and I authorise those provide the information they are asked for.	
Signed:	Date:	
Help with Family Mediat Tick the relevant box if you have:	ion	
4 Travelled out of the office to visit the	client, other than at court.	
$4\mathrm{Accepted}$ an application form a child	or patient or someone on their behalf.	
•	a client who has already received family help	
	on the same matter within the last 6 months.	
4 Given telephone advice by you or you		
4 Claimed for outward travel before the signature of the form. 4 Accepted a postal application.		
	kes please provide the circumstances justifying this in	
accordance with the relevant Rule in the		
<u>-</u>	gal Aid (Merits Criteria) Regulations 2012 for help with se satisfy the conditions as set out in the family mediation?	

LEGAL AID AGENCY PRIVACY NOTICE

Purpose

This privacy notice sets out the standards that you can expect from the Legal Aid Agency when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Our public function is to provide legal aid.

About personal information

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in a legal aid application such as your financial circumstances and information relating to any current or previous legal proceedings concerning you.

We know how important it is to protect customers' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. The personal data which you have provided in your legal aid application will only be used for the purposes set out below.

Purpose of processing and the lawful basis for the process

The purpose of the Legal Aid Agency collecting and processing the personal data which you have provided in a legal aid application is for the purposes of providing legal aid. Our lawful basis is 'the performance of a task carried out in the public interest or in the exercise of official authority' as set out in Article 6(1)(e) of UK GDPR. The tasks are those set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Specifically, we will use this personal data in the following ways:

- In deciding whether you are eligible for legal aid, whether you are required to make a
 contribution towards the costs of this legal aid and to assist the Legal Aid Agency in
 collecting those contributions, if appropriate.
- In assessing claims from your legal aid Provider(s) for payment from the legal aid fund for the work that they have conducted on your behalf.
- In conducting periodic assurance audits on legal aid files to ensure that decisions have been made correctly and accurately.
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.

Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us from providing legal aid.

We collect 'special categories of personal data'. This data is collected where necessary for the purposes set out above. The condition under which we process this data is Article 9(g) of UK GDPR – Reasons of substantial public interest. Our associated Schedule 1 condition is Statutory and Government purposes. We also collect this data for the purposes of monitoring equality, this is a legal requirement for public authorities under the Equality Act 2010. Special categories of personal data will be treated with the strictest confidence and any information published under the Equality Act will not identify you or anyone else associated with your legal aid application.

We collect 'personal data relating to criminal convictions and offences or related security measures'. This data is collected where relevant for the purposes set out above. The Legal Aid Agency is an Executive Agency of the MoJ, an Official Authority for the purposes of Article 10 of UK GDPR.

Who the information may be shared with

We sometimes need to share the personal information we process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

- Your instructed legal aid Provider(s), including any advocate instructed by a legal aid solicitor;
- Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP), Home Office and HM Land Registry;
- Non-public authorities such as: Credit reference agencies Equifax and TransUnion and our debt collection partners Marston Holdings
- If false or inaccurate information is provided or fraud identified, the Legal Aid Agency can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering. We may specifically share data with HMRC and DWP for fraud prevention, investigation and prosecution purposes; and
- Where a debt is owed to the Legal Aid Agency, we may share your data with public authorities such as HMRC and DWP and with debt collection partners such as Marston Holdings for the purposes of tracing, debt collection and enforcement.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

Data Processors

We may contract with third party data processors to provide email, system administration, document management and IT storage services. Any personal data shared with a data processor for this purpose will be governed by model contract clauses under data protection law.

We contract with Marston Holdings as a data processor for the collection and enforcement of criminal legal aid contributions. Any personal data shared with the data processor for this purpose is governed by model contract clauses under data protection law.

Automated decision making

We do not use solely automated decision making within the definition of Article 22(1) of UK GDPR. The overall decision on an application for legal aid or a claim for costs in a legal aid case will always be made by a human decision maker. This could be a member of our staff, or a staff member of a legal aid Provider acting under delegated authority from the Legal Aid Agency.

Details of transfers to third country and safeguards

Personal data may be transferred to locations in the European Economic Area (EEA) where required by our data processors for hosting, storage and secure backup of our IT services. Such transfers are made on the basis of Adequacy decisions between the UK and EEA in accordance with Article 45 of UK GDPR.

In limited and exceptional circumstances, where required for the provision of technical support, personal data stored in our call centre software may be accessed by support staff located in USA, Romania, Philippines, Singapore or Australia. Where transfers for this purpose are made to locations without Adequacy decisions the transfer is made on the basis of exceptions under Article 49 of UK GDPR and is required for the legitimate interests of the Ministry of Justice. The software provider maintains the same standards of IT and personnel security for its services overseas as it does for services in the UK.

Retention period for information collected

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that we collect, this can be accessed via our website:

https://www.gov.uk/government/publications/record-retention-and-disposition-schedules

You can also contact our Data Protection Officer for a copy of our retention policies.

While we retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

Access to personal information

You can find out if we hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request please contact:

Disclosure Team - Post point 10.25 Ministry of Justice 102 Petty France London SW1H 9AJ

Data.access@justice.gov.uk

When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive.

When we collect your personal data, we have responsibilities, and you have rights, these include:

- That you can withdraw consent at any time, where relevant;
- That you can lodge a complaint with the supervisory authority;
- That we will protect and ensure that no unauthorised person has access to it;
- That your personal data is shared with other organisations only for legitimate purposes;
- That we don't keep it longer than is necessary;
- That we will not make your personal data available for commercial use without your consent; and
- That we will consider your request to correct, stop processing or erase your personal data.

You can get more details on:

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal information;
- How we check that the information we hold is accurate and up-to-date; and
- How to make a complaint.

For more information about the above issues, please contact the;

The Data Protection Officer Ministry of Justice 102 Petty France London SW1H 9AJ

dataprotection@justice.gov.uk

Complaints

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Tel: 0303 123 1113 www.ico.org.uk

Certification I certify that:
4 I have taken all reasonable steps to ensure my client has completed the financial eligibility questions fully and accurately. I have applied the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 to the information supplied by my client and assessed my client as being eligible for legal aid in this matter.
4 I am able to act in this matter under the competence standards set out in my firms legal aid contract; and my organisation is currently trading and no Law Society intervention or other sanction prohibits me from acting in this matter.
4 Proof of means has been obtained.
Signed: Date:/ (A Solicitor or a Fellow of the Institute of Legal Executives)

Evidence Checklist

- 4 Please tick the relevant box(es) to indicate evidence collected.
- 4 Please refer to the detailed financial eligibility guidance for controlled work.

Income	
Employed (P.A.Y.E.) Income:	State benefits (including passporting benefits):
☐ Wage slips	☐ Bank statements
Self Employed Income: Recent bank statements Complete financial accounts Self Assessment Tax Return	4 Name and type of benefit e.g. Income-based Jobseekers Allowance must be specified on the statement or additional evidence will be required e.g. notification letter.
☐ Cash book Benefits in Kind ☐ P11D tax form (benefits in kind)	Original notification letter (for passporting benefit, please refer to the table providing examples of acceptable and unacceptable evidence in volume 2 part E).
Other Income: Private /Occupational Pension documents Evidence of rental income (bank statement or tenancy agreement) Trust income (bank statement or letter from trustees) Letter from friend/family providing support student grant/loan letter Other: (e.g. bank statements) 4 For pensions and any other income that is subject to income tax, evidence must show the gross amount before tax is deducted.	 □ Latest letter advising change in benefit amount □ Letter from paying agency i.e. Department for Work and Pensions, Jobcentre Plus, Pension Service confirming receipt of the passporting benefit at the date of application. 4 Letters must specify name and type of benefit. Letters over 6 months old must be supported by a recent bank statement. NASS Support: □ Letter from NASS or Local Authority that the individual is in receipt of support. 4 Letter must be less than 6 months old. Tax Credits: □ Tax Credit Award Notice (most recent). □ Other recent HMRC letter confirming amount received. 4 Letter must be less than 6 months old.
Expenditure (refer to guidance on risk-base	
Income Tax and National Insurance: Wage slips (employees P.A.Y.E.) Tax calculation sheet form SA302 (self employed)	Child Care costs in excess of £600 per month Copy of agreement/contract Bank statement
Housing costs (where amount exceeds one-third of client's gross income): Rent book/tenancy agreement Mortgage statement Bank statement	Maintenance (see guidance) ☐ Receipts ☐ Bank statement ☐ Copy of Maintenance Order
Capital (refer to guidance on risk-based evid	lence):
☐ Bank statement☐ Share certificate☐ National savings certificate/passbook	Other:
☐ Premium Savings Bonds or Bond Record (sun	nmary)

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