



Legal Aid
Agency

Financial Assessment for Family Mediation

Provider reference/case code: _____

This form must be completed in ink.

Applicant's Details

Surname Mr/Mrs/Miss/Ms _____ First name(s) _____

Surname at birth if different: _____ Date of birth: ____ / ____ / ____

Address: _____

postcode: _____

National Insurance number:

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Job: _____

Financial Eligibility

1. The client has a partner whose means are to be aggregated:

☐ Yes Please provide details of both client's and partner's means.

☐ No Please provide details of client's means only.

2. The case is about ownership or possession of assets and / or financial provision:

☐ Yes Go to question 3.

☐ No Go directly to Part B Capital.

3. The client's assets (held in sole name or jointly held) have been claimed by the opponent:

☐ Yes Please complete Part A Capital - Subject matter of dispute.

☐ No Go directly to Part B Capital.

The subject matter of dispute disregard only applies to assets that are specifically claimed by the opponent. All assets that have not been specifically claimed by the opponent must be included in Part B Capital.

Part A: Capital - Subject matter of dispute (SMOD)

4 Please list any property, assets or possessions that the opponent has made a claim to in this case:

1. Property:

Current market value

Outstanding Mortgage/secured loan

Main home **Other property**

£ _____

£ _____

2. Is property held in joint names with the opponent?

☐ Yes

☐ Yes

4 If property is held in joint names with the opponent, equal shares will normally be assumed for assessment purposes.

☐ No

☐ No

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**

Part A: Capital - Subject matter of dispute (SMOD) continued

7. Other assets and possessions claimed by the opponent:

Savings (bank, building society, etc)

Investments (shares, insurance policies, etc)

Valuable items (boat, caravan, jewellery, etc)

Other capital (including money due to the client)

Client and Partner

£ _____

£ _____

£ _____

£ _____

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.

Part B: Capital

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:

Current market value:

Outstanding Mortgage/secured loan:

Main home Other property

£ _____

£ _____

2. Is property held in joint names with the opponent?

☐ Yes

☐ No

4 If property is held in joint names with the opponent, equal shares will normally be assumed for assessment purposes.

☐ Yes

☐ No

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).

£ _____

Evidence

Evidence given in support of means

Yes ☐ you will need to complete
the evidence checklist on
page 7.

No ☐

If no please record justification or exceptional circumstance.

Client Declaration

- 4 As far as I know, all the information I have given is true and I have not withheld any relevant information. I understand that if I knowingly give false information or withhold relevant information I could be prosecuted.
- 4 I understand that I must tell you immediately if there are any changes in my or my partner's financial circumstances.
- 4 I agree to the Legal Aid Agency checking these facts with others such as the Department of Work and Pensions and the HM Revenue and Customs and I authorise those people/organisations to provide the information they are asked for.

Signed by the client: _____

Date: ____ / ____ / ____

Authority by partner (only required if partner is in attendance at mediation).

- 4 This is a true statement of all my income and assets in the UK and abroad.
- 4 I agree to the Legal Aid Agency checking these facts with others such as the Department of Work and Pensions and the HM Revenue and Customs and I authorise those people/organisations to provide the information they are asked for.

Signed: _____ Date: ____ / ____ / ____

Full name (in block capitals): _____

Mediator to Complete

Please tick the type of mediation this application relates to:

☐ children issues only

☐ property and finance

☐ all issues mediation

If you have ticked one of the boxes, please give the date the mediation started: ____ / ____ / ____

Please state what the dispute relates to:

Is the person married to, or have they ever been married to, the other party in the dispute?

☐ Yes

☐ No

Further Information

Has the client previously received mediation for:

☐ children issues

☐ property and finance

☐ all issues mediation

Evidence Checklist

E1

4 Please tick the relevant box(es) to indicate evidence collected.

4 Please refer to the detailed financial eligibility guidance for controlled work.

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

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