

# Legal Help, Help at Court and Family Help (Lower)

Is this an application for Exceptional Case Funding? 

If yes, you must supply an ECF1.

Any work carried out earlier than the date of the Exceptional Case Funding Certificate is done so at risk and may not be funded should the application be refused. Making a false declaration is an offence. If you are found doing so, you may be prosecuted and asked to repay your costs in full.

	you may be prosecuted and asked to repa		
	unities Monitoring which your client would describe themselves as	s being:	
Ethnicity			
White	Mixed	Asian or Asian British	
☐ (a) British	(a) White and Black Caribbea	ın 🔲 (a) Indian	
(b) Irish	(b) White and Black African	☐ (b) Pakistani	
$\square$ (c) White Other	$\square$ (c) White and Asian	☐ (c) Bangladeshi	
Black or Black British	(d) Mixed Other	$\square$ (d) Asian Other	
(a) Black Caribbea	an Chinese	Other	
(b) Black African	☐ Gypsy/Traveller	☐ Prefer not to say	
(c) Black Other	· · ·	•	
Disability			
The Equality Act 2010 defines disability as: a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.  Not Considered Disabled  If a client considers himself or herself to have a disability please select the most appropriate definition.			
Definitions:			
Mental health condition			
Learning disability/difficulty  Long-standing physical illness or health  condition			
Deaf	Other		
Hearing impaired	Unknown		
Visually impaired	Prefer not to say		
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	details		
Title:Initials:	Surname:		
	Surname at birtl		
	(if differen / National Insurance no:	t)	
Sex:	Male Female	Prefer not to say	
Marital status:	Single Married/Civil Partner	Cohabiting	
	Separated Divorced/dissolved CP	Widowed	
Place of birth: _	Job:		
Current address: _			
_	Postco	de:	

Provider Details  (Only complete when submitting a copy of this page with an application for extension of a Cost Limit)		
Name of provider:		
Address of provider: Postcode:		
Postcode:		
Telephone number:	Contract number:	
relephone number.		

F	inancial	Eligibility		
1.		directly or indirectly in receipt of S.4 or S.95 Asylu category work only):	m Support ( <b>Imm</b>	igration
	□Yes	Go directly to the Evidence section on page 7.		
	□No	Go to question 2.		
2.	The client ha	as 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.		
3.	Type of case	e (e.g. family):		
4.	The case is	about ownership or possession of assets and / or f	inancial provisior	n:
	☐Yes	Go to question 5.		
	☐ No	Go directly to Part B Capital.		
5.	The client's	assets (held in sole name or jointly held) have been	n claimed by the	opponent:
	☐Yes	Please complete Part A Capital - Subject matter of	of dispute.	
	☐ No	Go directly to Part B Capital.		
opp Part	onent. All ass t B Capital.	er of dispute disregard only applies to assets that a ets that have not been specifically claimed by the control of the contro	(SMOD)	e included in
	Property:	,,		Other property
		Current market value	£	
		Outstanding Mortgage/secured loan	£	
2. I	s property he	d in joint names with the opponent?	│ │	□Yes
•		held in joint names with the opponent, equal	│	□No
	snares will no	ormally be assumed for assessment purposes.		_
		of property for assessment?	9	% <u> </u> %
•	Select 100%	when property is jointly owned with opponent. When property is solely owned by client or arther. Enter an appropriate % if another party est.		

# Part A: Capital - Subject matter of dispute (SMOD) continued Main home Other property 4. Total Net Equity (i.e. current market value minus mortgage disregard): ▶ Deduct the full amount of any debt secured by a mortgage or charge on the property. 5. Client's share of Total Net Equity: £\_\_\_\_\_ ▶ Multiply answer to guestion 4 by answer to guestion 3. 6. Final assessed amount of Client's equity: ▶ Calculated by applying the SMOD disregard; followed by the equity disregard of £100,000 to the main home. ▶ The maximum SMOD disregard is £100,000. ▶ 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. ▶ You must not reverse the order of the disregards **Client and Partner** 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)

Total capital Part A

Other capital (including money due to the client)

- ▶ This is the total capital amount after applying the SMOD disregard of £100,000 to the assets in this section.
- ▶ If there are no SMOD property assets, apply the full £100,000 SMOD disregard to the assets set out in question 7 above.

PLEASE DON'T STRIKE THROUGH THE ENTIRE PAGE TO INDICATE THAT THE QUESTIONS DO NOT APPLY - QUESTIONS MUST BE ANSWERED

# Part B: Capital

- ▶ Please list all client's and partner's property, assets or possessions <u>not</u> included in Part A.
- ▶ Capital excludes household furniture and effects (unless exceptional value), clothes and tools of trade.

1.	Property:	1	Other property
	Current market value:		
	Outstanding Mortgage/secured loan:	£	
2.	Is property held in joint names with the opponent?	☐Yes	Yes
	▶ 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:		%%
	▶ 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.		
		Main nome	Other property
	Total Net Equity (i.e. current market value minus mortgage disregard):	£	
	▶ Deduct the full amount of any debt secured by a mortgage or charge on the property.		
5.	Client's share of Total Net Equity:	£	
	▶ Multiply answer to question 4 by answer to question 3.		
6.	Final assessed amount of Client's equity:		
	▶ After applying equity disregard of £100,000 to client's share of	£	
	total net equity in main home (shown as answer to question 5).		
7.	Other assets and possessions:	Client	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 B	£	_
	Total of all capital assets (Part A and Part B)	£	_

Part C: Income			
•	rectly in receipt of Income Support, In and Support Allowance, Guarante		
☐ Yes Go di	rectly to the Evidence section on pag	e 7.	
☐ No Conti	nue with income details.		
	oly by 52 & divide by 12) nultiply by 13 & divide by 12)		
Income includes:		Client	Partner
Gross monthly earning	gs	£	_£
<ul> <li>Other income (including child benef dividends, tax credits</li> </ul>	it, pensions, maintenance, , benefits in kind, etc)	£	£
	Total gross income	£	£
Total gr	oss income (Client and Partner)	£	
Less monthly allowance  Housing costs, includ			
	(capped if client has no dependents)	£	£
Rent* (capped if client h		£	££
* amounts should be net of housing benefit			
Dependents' allowances: Partner		£	_
Dependents	Aged 15 and under	£	_
	Aged 16 or over	£	_
▶ Tax and National Insu	urance	£	£
Standard allowance for employment expenses		£	£
<ul> <li>Maintenance payments actually being made</li> </ul>		£	£
	ormer/separated spouse) use of work/self employment	£	
	ontribution order (criminal	£	£
	Total allowances	£	£
To	otal monthly disposable income	£	£
To	otal monthly disposable income (Client and Partner)	£	

Evidence		
Evidence given in support of means	Yes you will need to complete the evidence checklist on page 15.	No 🗌
If no, please record justification or excep	otional circumstance.	

# 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

Client's Certification Please tick the box below whi	
I have not already received I contracted provider on this n	egal help or family help (lower) from a solicitor or natter.
1 1	al help or family help (lower) from a solicitor or matter. If so, please state when:
property (including costs) which I	ed provider having a first charge on any money or recover or preserve in or in relation to the matter for y help (lower) cases which exceed the standard fee only).
This is a true statement of all my abroad.	and my partner's income and assets in the UK and
I understand that I must tell you in financial circumstances.	nmediately if there are any changes in my or my partner's
	(LAA) can contact other parties to check these facts rovide the information they are asked for.
Revenue and Customs (HMRC) a	neck my income and capital status with His Majesty's and authorise HMRC to carry out such checks as are tatus and give that information to LAA.
Department of Work and Pension	onfirm my receipt of continuing benefit with the as (DWP). The DWP may carry out such processing as ation remains correct and may inform the LAA of any
services provided to me may b	information or withhold any relevant information the percent cancelled at which point I will become liable to pay curred and I may be prosecuted.
Signed:	Date:
Partner's declaration	1
If you have a partner whose de must sign the authority below.	tails have been completed on this form then they
This is a true statement of all my	income and assets in the UK and abroad.
and Pensions (DWP) and the HM	e facts with other parties such as the Department of Work I Revenue and Customs (HMRC) and I authorise those (P) to provide the information they are asked for.
Signed:	Date:

Note to solicitor: Please ensure you complete any relevant boxes on page 13.

Legal Help and Help at Court		
Tick the relevant box below if you have:		
Travelled out of the office to visit the client, other than at court.		
Accepted an application from a child or patient or someone on their behalf.		
Provided legal help to a client who has already received it on the same matter within the last 6 months.		
Given telephone advice by you or your firm before the signature of the form.		
Claimed for outward travel before the signature of the form.		
Accepted a postal application.		
If you have ticked any of the above boxes, please provide the circumstances justif accordance with the relevant Rule in the Contract Specification.	ying this in	
Legal aid is only available for these proceedings under paragraphs 12 and 13 of F of the Legal Aid Sentencing and Punishment of Offenders Act 2012 if the evidence set out in regulation 33 and 34 of the Civil Legal Aid (Procedures) Regulations and satisfied.	e requirements	
Evidence given? Yes No This evidence must be retained on the	file.	
Family Help (Lower) - <b>private law</b> Are the relevant criteria in the Civil Legal Aid (Merits Criteria)  Regulations 2012 for family help (lower) met and does the case		
satisfy the conditions as set out in the Family Specification?		
Was an application for legal representation made in this matter?	∐No	

Time spent and costs			
Item 1. Attendance 2. Preparation 3. Help at Court 4. Travel and Waiting Total:	Time Spent		
Item	Number		
<ol> <li>Letters written</li> <li>Phone calls</li> </ol>			
Total Profit Costs £	_ Vat £		
Value or amount of contractual of	r statutory charge £		
Disbursements Amount	. Vat		
Mileage £			
Other disbursements £			
Total £ Counsel's fees £			
Dated	<u> </u>		
Note: When calculating profit costs, calls must be separated out according	the time spent on each activity and the letters and telephone ng to the remuneration rate which applied at the time the work nuneration Regulations for the appropriate rates.		
Remember that you may not charge	separately for letters in.		
Representation Form (if applicable) statutory charge and any payment	ents and counsel's fees from this form and the Controlled Legal should be the same (after adding VAT and net of the amount of nt on account), as those reported by you in your online been submitted in an Immigration matter a separate copy of this stage reported.		
Certification (to be comp	leted for Exceptional Funding cases only)		
I certify that:			
questions on the accompanying C Legal Aid (Financial Resources an	o ensure my client has completed the Financial eligibility ontrolled Work Form fully and accurately. I have applied the Civil ad Payment for Services) Regulations 2013 to the information ad my client as being eligible for legal aid in this matter.		
	r the competence standards set out in my firms legal aid irrently trading and no Law Society intervention or other n this matter (legal help only).		
Proof of means has been obtained	•		
Signed: (Authorised litigator)	Date:/_/		
Name:			

# **Evidence Checklist**

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

Controlled Work 1 Page 15 Version 29 September 2022 © Crown Copyright