



**Legal Aid Agency**

# Legal Help and Controlled Legal Representation - Mental Health

Yes No

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.**

## Equal Opportunities Monitoring

Please tick the boxes which your client would describe themselves as being:

### Ethnicity

#### White

- (a) British
- (b) Irish
- (c) White Other

#### Mixed

- (a) White and Black Caribbean
- (b) White and Black African
- (c) White and Asian
- (d) Mixed Other

#### Asian or Asian British

- (a) Indian
- (b) Pakistani
- (c) Bangladeshi
- (d) Asian Other

#### Black or Black British

- (a) Black Caribbean
- (b) Black African
- (c) Black Other

- Chinese
- Gypsy/Traveller

- Other
- Prefer not to say

### Disability

The Equality Act 2010 defines disability as: a physical or mental impairment which has a substantial and long-term adverse effect on a persons 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        | <input type="checkbox"/> | Blind  | <input type="checkbox"/> |
| Learning disability/difficulty | <input type="checkbox"/> | Long-standing physical illness or health condition | <input type="checkbox"/> |
| Mobility impairment            | <input type="checkbox"/> | Other  | <input type="checkbox"/> |
| Deaf                           | <input type="checkbox"/> | Unknown  | <input type="checkbox"/> |
| Hearing impaired               | <input type="checkbox"/> | Prefer not to say                                  | <input type="checkbox"/> |
| Visually impaired              | <input type="checkbox"/> |  |                          |

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 details

Title: \_\_\_\_\_ Initials: \_\_\_\_\_ Surname: \_\_\_\_\_

First name: \_\_\_\_\_ Surname at birth: \_\_\_\_\_  
(if different)

Date of birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ National Insurance no: \_\_\_\_\_

Sex:  Male  Female  Prefer not to say

Marital status:  Single  Married/Civil Partner  Cohabiting  
 Separated  Divorced/dissolved CP  Widowed

Place of birth: \_\_\_\_\_ Job: \_\_\_\_\_  
(town)

Current address: \_\_\_\_\_ Postcode: \_\_\_\_\_

## Matter Type

Providers Account Number: \_\_\_\_\_

Please refer to paragraphs 9.32 to 9.36 of the 2018 Standard Civil Contract Specification (and any related guidance) for the criteria determining when means assessment must be carried out.

Please tick one box only:

Non Means Tested MHT  Non MHT  Non Means Tested Non MHT

If this is a non means tested matter, please go directly to the Case Details and merits Section on page 6.

## Financial Eligibility

1. The client is a child under the age of 18:

- Yes Go to question 2.  
 No Go directly to question 6 to continue assessment.

2. The application is for Controlled Legal Representation

- Yes Go to note 1 below  
 No Go to question 3.

3. The child's means are to be aggregated with a maintaining adult:

- Yes Go directly to question 6 to continue assessment.  
 No Go to question 4.

4. Does this Child receive any money on a regular basis? Do not include any part-time earnings (less than 16 hours per week), holiday jobs, pocket money, or any maintenance that you get for the child.

- Yes Go directly to question 6 to continue assessment.  
 No Go to question 5.

5. Does this Child have any savings, items of value or investments totalling £2,500 or more?

- Yes Go to question 6 to continue assessment.  
 No Go to note 2 below.

### Note 1

**As you have answered YES to questions 1 and 2 confirming that the client is a child who is applying for Controlled Legal Representation, no further assessment is required. Go directly to the client declaration on page 11.**

### Note 2

**As you have answered NO to questions 3, 4 and 5, confirming that the client is a child who is not to be aggregated with a maintaining adult and does not have a regular income or capital in excess of £2,500, no further assessment is required. Go directly to the client declaration on page 11.**

## Financial Eligibility continued

6. Does the client have 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.

## Part A: Capital

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
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£	_____	_____
---	-------	-------

£	_____	_____
---	-------	-------

_____	%	_____	%
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2. Client's share of property for assessment:

4 Select 100% when property is solely owned by client or jointly with partner. Enter an appropriate % if another party has an interest.

3. Total Net Equity (i.e. current market value minus mortgage disregard):

£	_____	_____
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4 Deduct the full amount of any debt secured by a mortgage or charge on the property.

4. Client's share of Total Net Equity:

£	_____	_____
---	-------	-------

4 Multiply answer to question 3 by answer to question 2.

5. Final assessed amount of Client's equity:

£	_____	_____
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4 After applying equity disregard of £100,000 to client's share of total net equity in main home (shown as answer to question 4).



## Evidence

Evidence given in support of means

Yes  you will need to complete  
the evidence checklist on  
page 13.

No

If no, please record justification or exceptional circumstance. In relation to clients detained under the Mental Health Act, you are required to attempt to obtain oral or written confirmation of the position (e.g. type of benefit received) from the ward manager or social worker where practicable. For further information please refer to Section 3 of the 2018 Standard Civil Contract Specification and the Financial Eligibility guidance available on the website.

## Case details and merits criteria

Please complete in all cases

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 before the signature of the form.

Claimed for outward travel before the signature of the form.

Accepted a postal or faxed application (see Paragraphs 3.15 to 3.17 of the 2018 Standard Civil Contract Specification).

**Give a brief description of the case and the issues involved and confirm why it is reasonable to provide advice, assistance and/or representation.**

# 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](mailto: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](http://www.ico.org.uk)

## Client's Certification

Please tick the box below which applies to you:-

### For means tested matters:

- I have not already received legal help from a provider or contracted supplier on this matter.
- I have already received legal help from a provider or contracted supplier on this matter.  
If so, please state when.

As far as I know all the information I have given is true including information as to my means and I have not withheld any relevant information.

I understand that I must tell you immediately if there are any changes in my or my partner's financial circumstances.

**I understand that if I give false information or withhold any relevant information the services provided to me may be cancelled at which point I will become liable to pay all the costs that have been incurred and I may be prosecuted.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### For non means tested matters:

- I have not already received legal help from a provider or contracted supplier on this matter.
- I have already received legal help from a provider or contracted supplier on this matter.

**I understand that if I give false information or withhold any relevant information the services provided to me may be cancelled at which point I will become liable to pay all the costs that have been incurred and I may be prosecuted.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Declaration and Determination

The information contained on this form is true to the best of my information and belief.

I confirm that the circumstances of this case justify the determination of controlled legal representation in accordance with the Contract Specification.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

An advisor who is one of the approved personnel of your organisation.

## Terms of Determination

Controlled legal representation is granted (tick as appropriate):

- To be represented before the MHT up to and including the substantive hearing.

## Time spent and costs

Item	Time Spent LH	Time Spent CLR
1. Attendance	_____	_____
2. Preparation	_____	_____
3. Help at Court/Advocacy	_____	_____
4. Travel and Waiting	_____	_____
<b>Total:</b>	_____	_____

Item	Number	
1. Letters written	_____	_____
2. Phone calls	_____	_____
<b>Total Profit Costs</b> £ _____	<b>Vat</b> £ _____	

(Tick all levels to be claimed)

Mental health proceedings Level 1  Level 2  Level 3  or Non tribunal

Number of MHT Adjournments: \_\_\_\_\_

### Remote Hospital.

Does the case qualify for remote travel payment? Yes  No

### Counsel's fees

Number of hours claimed:	Rate	Amount
Travel & waiting: _____ hrs @ £ _____ p/h = £ _____		
Advocacy: _____ hrs @ £ _____ p/h = £ _____		
Attendance: _____ hrs @ £ _____ p/h = £ _____		
Preparation: _____ hrs @ £ _____ p/h = £ _____		
<b>Total:</b> £ _____		

Disbursements	Amount	Vat
Mileage	£ _____	£ _____
Other disbursements	£ _____	£ _____
<b>Total</b>	£ _____	£ _____

**Note:** When calculating profit costs, the time spent on each activity and the letters and telephone calls must be separated out according to the remuneration rate that applied at the time the work was carried out. Please see the Remuneration Regulations for the appropriate rates.

Remember that you may not charge separately for letters in.

## Certification (to be completed for Exceptional Funding cases only)

I certify that:

- 4 I have taken all reasonable steps to ensure my client has completed the Financial eligibility questions on the accompanying Controlled Work Form 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 (legal help only).
- 4 Proof of means has been obtained.

Signed: \_\_\_\_\_  
(Authorised litigator)

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Name: \_\_\_\_\_

# 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.

<b>Income</b>	
<p><b>Employed (P.A.Y.E.) Income:</b></p> <p><input type="checkbox"/> Wage slips</p> <p><b>Self Employed Income:</b></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><b>Benefits in Kind</b></p> <p><input type="checkbox"/> P11D tax form (benefits in kind)</p> <p><b>Other Income:</b></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 <b>gross</b> amount before tax is deducted.</p>	<p><b>State benefits (including passporting benefits):</b></p> <p><input type="checkbox"/> Bank statements</p> <p>4 Name and type of benefit e.g. <b>Income-based</b> 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><b>NASS Support:</b></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><b>Tax Credits:</b></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>
<b>Expenditure (refer to guidance on risk-based evidence):</b>	
<p><b>Income Tax and National Insurance:</b></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><b>Housing costs (where amount exceeds one-third of client's gross income):</b></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><b>Child Care costs in excess of £600 per month</b></p> <p><input type="checkbox"/> Copy of agreement/contract</p> <p><input type="checkbox"/> Bank statement</p> <p><b>Maintenance (see guidance)</b></p> <p><input type="checkbox"/> Receipts</p> <p><input type="checkbox"/> Bank statement</p> <p><input type="checkbox"/> Copy of Maintenance Order</p>
<b>Capital (refer to guidance on risk-based evidence):</b>	
<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>