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LAPG Member Update

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Civil Legal Aid News

Means Test Review Phase 1 – Updated Forms and Guidance

On the 3rd August the following changes were introduced (extract from an LAA email to representative bodies):



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“Means testing will be removed for

- Under 18s applying for Legal Representation and Family Help (Higher), including applications for these services under Exceptional Case Funding;
- Under 18’s applying for criminal advice and assistance and criminal advocacy assistance;
- Parents or those with parental responsibility applying for legal representation for matters concerning the withdrawal or withholding of life-sustaining treatment in respect of their child.

Additionally under 18s applying for controlled work (apart from Controlled Legal Representation) and family mediation will continue to undergo a means test but a new ‘Light touch’ assessment will be introduced. Under 18s without a regular income or capital of £2500 or above, who are not aggregated with an adult, will benefit from this new approach.

[Read the LAA news story here](#)

Relevant civil forms, guidance (including the Lord Chancellor's Guidance) and digital systems have been amended to reflect the changes. New versions of the forms will be published on gov.uk on 3 August 2023 and should be used from that date. Any previous versions of the forms will continue to be accepted up to 1 month after the changes take effect (3 September 2023).”

[Information about Means Testing is here](#) and includes updated Lord Chancellor’s guidance and updated claim forms.

Further changes regarding legal help at inquests will come into force on the 4th September. A new

application form will be published on gov.uk alongside amended guidance for inquests “in due course”.

The LAA aimed to notify all providers on the 3rd August of these changes.

CIVMEANS 1-5 Checklist

[More information about the Financial Assessment forms checklist is here.](#)

This checklist is relevant to forms:

- CIVMEANS1 - initial assessment and further assessment.
- CIVMEANS2 - assessments, people who receive named benefits
- CIVMEANS3 - assessments, people whose main home is outside the UK
- CIVMEANS4 - child client who is under 16 who has less than £2,500 capital and no regular income
- CIVMEANS5 - increase in capital

CIV APP6

There is a new CIVAPP6 – [see here](#) and this is what the LAA has said

- this form should only be used where there is no time to make a full application by post or DX
- do not use this form if you have already granted emergency funding using delegated authority
- use of delegated functions should be reported on CIV APP1 and CIV APP3

If you hold a crime contract and are making an associated civil application for legal aid you should email the completed form to:

LAAassociatedcivilapplications@justice.gov.uk

CW1

[And you will need to look at this as well.](#) There is a new version of the CW1 form for phase 1 of the Means Test Review.

And here are the rest of the forms that have been changed:

[CIV MEANS 2: financial assessment form for legal aid clients](#)

Means assessment form for people on Income Support or employment benefits who want to

apply for legal aid.

CIV APP3: application for legal aid in family proceedings

Family help (higher) and legal representation in family proceedings.

Mental health: CLR, enhanced rates and review of refusal

Controlled work application forms: representation – CW1&2 (MH), enhanced rates – CWC (MH), review of refusal or withdrawal – CW4 (MH).

CW2 (IMM) for representation, disbursement limit extension (CW3C), review of refusal (CW4): immigration forms

Controlled work application forms: representation – CW2 (IMM), extension of disbursement limit – CW3C (IMM), review of refusal – CW4 (IMM).

CIV MEANS 3: client living outside the UK

Financial assessment form for legal aid applicants whose main home is outside the United Kingdom.

CIV APP1: application for civil legal aid certificate

For legal representation: non-family proceedings.

CIV MEANS 1: financial assessment form, not passported

Means assessment form for legal aid clients not on Income Support or other passporting benefits (also includes CIV MEANS 1P).

CIV MEANS 7: financial assessment for family mediation

Financial assessment form for client requesting family mediation.

CW5: financial eligibility form for clients wanting family mediation

Controlled work form for legal aid clients requesting family mediation, with section to be signed by the mediator.

Asiantaeth Cymorth Cyfreithiol: ffurflenni Cymraeg (Welsh forms)

Ffurflenni a canllawiau ar gyfer llenwi ffurflenni (eg CRM14, CRM15, CRM16, CIV modd 1, Civ modd 2).

ECF form, provider information pack (inquests and non-inquests) and funding guidance

The LAA as updated the Lord Chancellor funding

guidance (non-inquests) and Lord Chancellor funding guidance (inquests) to July versions in preparation for the implementation of the first phase of the Means Test Review.

Housing Loss Prevention Advice Service Launch

The new Housing Loss Prevention Advice Service (HLPAS) commenced on Tuesday 1 August 2023 across England and Wales (although some contracts will start in September). What does it cover?

“The service provides:

- Early legal advice (legal help) on housing, debt and welfare benefits issues to those at risk of possession proceedings and loss of their home; and
- On the day emergency advice and representation at court to those with a listed possession hearing [this used to be called the Housing Possession Court Duty Scheme]

Individuals who require the above service do not need to meet legal aid financial eligibility rules as the service is means free but they will be required to show evidence that they are at risk of losing of their home.”

What is on gov.uk for members of the public? [See here.](#)

There is more information in the [MOJ news story here.](#)

The MoJ has also put in place contracts for the Specialist Support Service and Training Grants. Information on both have been provided directly to HLPAS providers. The Specialist Support service will provide direct case work support to HLPAS providers on individual cases and offer a series of training events to HLPAS Providers to support the development of expertise in the fields of Debt, Welfare Benefits and Housing. The first training event will take place in mid-August.

An introductory session for HLPAS providers on the Training Grants process has taken place we are told and this will set out the application process and requirements. The application process will be undertaken throughout August.

Housing and Debt tender Walsall – deadline for submitting Tenders is 5pm on 4 September 2023

The Housing and Debt Contracts will be offered from 1 October 2023.

The LAA is offering an unlimited number of contracts for housing and debt services in the Walsall Housing and Debt procurement area. Tenders must be submitted using the LAA's e-Tendering system:

<https://legalaid.bravosolution.co.uk/web/login.shtml>

For more information on this please see the [press release here](#) and the [tender page here](#).

Family Legal Aid Applications - Statement checklist

The legal Aid Agency has asked us to publicise the statement of case checklist to help reduce questions to them and therefore delays in processing applications. They say:

“Check out our statement of case checklist for family applications: [Family applications - Statement checklist \(justice.gov.uk\)](#).

Referring to this will help to reduce the number of requests we send you, resulting in certificates being issued more swiftly!”

Civil Processing Dates

[These are here](#)

Immigration firms named in Mail front page story

The Gazette covers the [SRA intervention here](#).

For the Lord Chancellor's [letter to the SRA see here](#).

If you want to show your concern about the Illegal Migration Act [there is a petition here](#).

And we are sure you have also seen the particularly egregious criticism of Leigh Day immigration partner Jacqueline McKenzie by some elements of the press. [Read Leigh Day's response](#) in yesterday's Gazette.

Criminal Legal Aid News

Changes to Standard Crime Contracts

See the [LAA announcement here](#).

What are the changes? Following a consultation with The Law Society, the Bar Council and LAPG there is more flexibility (not necessarily as much as we argued for!). The changes took effect on 3 August 2023.

- Office opening hours: providers will be required to have their office open for at least 7 hours between 8am and 8pm on each business day.
- Face-to-face supervision: this will now only need to take place in the same physical location *where providers determine that this is required* [our emphasis]. This replaces the requirement for supervisors to attend each office at which they supervise staff at least one day per calendar month

Roll out of Means Test Changes

CRM1: collect client details, and details of capital and income, for submission to the Legal Aid Agency in criminal legal aid applications. The LAA has just [uploaded the new version of the CRM1](#).

CivAPP6: see Civil news for detail of changes to this form. Why is it relevant to crime? If you hold a crime contract and are making an associated civil application for legal aid you should email the completed form to:

LAAassociatedcivilapplications@justice.gov.uk

Removal of financial eligibility tests for under 18s

Phase 1 changes of the Means Test Review came into force on Thursday 3 August 2023.

The changes remove the means testing requirement for people under the age of 18 applying for:

- criminal legal representation advice and assistance
- criminal advocacy assistance

[Read the full story here](#)

Avoid Rejects

At the latest Criminal Contract Consultative



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Group meeting the LAA provided crime representative bodies with the top five reasons why legal aid applications are rejected:

1. Issues relating to co-defendants.
2. A representation order has been granted to a different firm.
3. P45 letter or dismissal letter needed if the applicant is no longer employed.
4. National Insurance Number is needed.
5. It is unclear how the applicant is supporting themselves on a day to day basis.

Reasons why CRIM16s are rejected? In the 6 month period between January – June 2023, 125 CRM16 applications (74%) were returned due to an error with the declaration, this was for the following reasons:

- The declaration hasn't been signed by either Applicant, partner or Solicitor
- The declaration has been incorrectly dated, either the wrong date written in error or it has been post-dated.
- The signature has been typed rather than hand signed.
- The wrong declaration has been signed, for example the applicant has signed the partner's declaration.

The LAA's tip re CRIM16s? CRM16 Signature Guidance: (CLAM 15.2 and 15.3)

“The application will be returned if not signed by the applicant and partner where applicable otherwise NCAT will process a review based on whatever information/evidence has been provided. Where evidence is missing the caseworker will advise whether provision of the evidence would make a difference to the outcome.”

CJS Delivery Data Dashboard

The Ministry of Justice has published the latest iteration of the [Criminal Justice System \(CJS\) Delivery Data Dashboard](#). What is this about?

“This dashboard brings together a range of criminal justice data. It gives an overview of the justice system; from the point a crime is recorded by the police, to when a case is completed in court.”

Diversions and Community Cautions: Draft Code of Practice - Consultation

This public consultation invites views on the

operational impact and workability of the newly drafted Code of Practice for the statutory two-tier framework of Out of Court Disposals, as set out in The Police, Crime, Sentencing and Courts (PCSC) Act 2022.

[The consultation closes](#) on 13 Oct 2023.

Sector News & Events

ACL Legal Aid Group Autumn Seminar – The Horizon Leeds, Monday 11th September 2023



This seminar presents the perfect opportunity for attendees to resolve some of their more problematic legal aid issues, hear from the experts and network with others in the legal aid field.

Senior Legal Aid Agency staff will be speaking and the ever-popular one-to-one drop-in session returns, for delegates to discuss in confidence those troublesome cases with the LAA finance and High Cost specialist fixers.

Confirmed speakers are:

- David Bailey-Vella - ACL Vice-Chair / prev Legal Costs Manager for Shelter
- Jamie Butt - Contract Manager & Civil Bill Reject Lead LAA
- Vicky Ling - on behalf of Resolution
- Peter Reed - LAA
- Paul Seddon - ACL Legal Aid Group Co-Chair / Seddon Costs

Exclusive rate for LAPG members of £135 – places can be [booked here](#).

Access to Justice Foundation Grant Round

This is not technically a legal aid issue but members who are eligible will be aware of a large grant funding round being administered by the Access to Justice Foundation. The Foundation publicity states that:

The logo for The Access to Justice Foundation consists of the words 'THE ACCESS TO JUSTICE FOUNDATION' in a blue, serif font, arranged in four lines. Below the text is a thick, dark blue horizontal brushstroke that tapers at both ends.

“We are pleased to announce that we are now accepting Expressions of Interest for Round One

of the Improving Lives Through Advice (ILTA) grant programme.

This will provide multi-year core costs grants to successful organisations over a period of five years. We expect to award grants in the region of £50,000 and £100,000 per annum. We welcome applications from *registered charities based in England who have a track record of delivering specialist legal advice in social welfare law.*

The Access to Justice Foundation will be holding a Q&A session via Zoom at **12pm on Monday, 14th August 2023** to answer any questions about the application process. You can register [HERE](#).

A recording of the event will also be made available on the CJF website for those unable to attend. Please send in any queries you may have in advance to be answered within the session or added to the FAQs at grants@atjf.org.uk.

The deadline for submitting applications for Round 1 will be no later than *4pm on 15th September 2023*. Find out more about the eligibility criteria and application process [HERE](#)."

[LAA Annual Report and Accounts and Statistics Quarterly Report](#)

The Annual Report and Accounts [are here](#). It includes details of the updated LAA board members.

The Quarterly Statistics Information [is here](#).



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Lots of Means Test Review changes to account for this month, so please do make sure you have downloaded and are using the correct version of each form.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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LEGAL AID LAWYER OF THE YEAR AWARDS



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