



Legal Aid
Agency

Application for legal aid in Family Proceedings

Family Help (Higher) and Legal Representation in
Family Proceedings

For Official Use Only

Use CIV APP5 for Special Children Act 1989 cases (as defined in the Civil Legal Aid (Merits Criteria) Regulations 2012) where the applicant is a child, parent or person with parental responsibility in those cases.

Tag No: _____ / _____ / _____

Emergency Application? Yes No

Granted under delegated functions	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Has an emergency certificate been granted on CIVAPP6?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, please give reference: _____
Is this an application for exceptional case funding?	<input type="checkbox"/>	<input type="checkbox"/>	If yes, you must supply an exceptional case funding form (ECF1).

Please note - if you are making an ECF application you do not have delegated functions to grant legal aid.

Your client's details Completion of this section is compulsory

Title: _____ Initials: _____

Surname: _____

First name: _____

Surname at birth (If different): _____

Address: _____

Postcode: _____

Phone Number: _____

Correspondence address: _____

(if different) _____ Postcode: _____

Date of birth: _____ / _____ / _____ NI Number: _____

Sex: Male Female Prefer not to say

Marital status: Single Married/Civil Partner Cohabiting

Separated Divorced/dissolved CP Widowed

Client Security Password:

It will not be possible for the Legal Aid Agency to discuss this matter over the telephone with you or your solicitor unless your identity can be verified. A password should be provided by the applicant which will be requested at the start of any telephone conversation:

Password (in Block Capitals)

Prompt (a word that will help you remember your password)

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.

Provider details

Account number:

Roll number:

Name of organisation: _____

Phone: _____ Fax: _____

E Mail: _____

Name of authorised litigator instructed:

- 4 The authorised litigator instructed must have a valid practising certificate. The Legal Aid Agency (LAA) will not pay for any work done during the period in which the authorised litigator does not have a practising certificate.

Your case reference: _____

Contact name for enquiries: _____

Type of case

- 4 Please tick all boxes relevant to this case. This will assist us in sorting applications on receipt.
- 4 Please ensure that you answer all relevant questions for each case type on the pages indicated. These questions are based on the criteria set out in the merits regulations for each type of case and you should refer to the relevant provisions when answering each question.
- 4 For cases not within the scope of funding permitted under Part 1, Schedule 1 of the Legal Aid Sentencing and Punishment of Offenders Act 2012, the type of case should be specified on the accompanying ECF form.

Divorce, Judicial Separation, Dissolution of Civil Partnership, Nullity

Injunction and committal

Financial and property

Merits tested S31 proceedings

Actions involving children including child abduction

Merits tested other public law proceedings

Form of civil legal services applied for:

Family help (higher)

Legal representation

Previous legal help or family help and any other legal aid

If you have already provided legal help or family help to this client on the same matter, please supply the following information:

Date your client first visited your firm about this case: ____ / ____ / ____

Costs and disbursements to date: £ ____ : ____

Have you used: Legal help Family help (lower) Help with family mediation

Description of work done:

If you have not provided legal help or family help (lower) please state why your client is applying for legal aid for family help (higher)/legal representation at this stage:

Give full details of other current or previous legal aid (other than legal help or family help (lower)) for issues involving the same relationship (a client can normally only hold one current certificate relating to private law family proceedings). We need any LAA reference and details of the issues and outcome.

Scope of services applied for

Please state your client's involvement in each set of proceedings.	Applicant	Respondent
1. _____	<input type="checkbox"/>	<input type="checkbox"/>
2. _____	<input type="checkbox"/>	<input type="checkbox"/>
3. _____	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>

Costs Estimate

Estimate of legal aid costs of doing the work under the certificate applied for (including disbursements/counsel, at LAA rates, excluding VAT) £ ____:____

Prospects of Success

You do not need to complete this section where the Merits Regulations do not require an assessment of the prospects of success.

Which of the following best describes the prospects of achieving a successful outcome for your client?

A 50% or better **B** Marginal 45 - 50% **C** Borderline **D** Uncertain **E** Poor

4 If you have ticked box B, C or D above, please say what factors lead you to make this assessment and why legal aid should nevertheless be granted in the statement of case.

Opponent/Other parties/organisations/people

Who else is involved in this case (e.g. spouse or cohabitant, children's guardian or local authority)? Include parties to the proceedings as well as those who are not parties but have an interest in the issue(s). This may include a local authority which could fund adoption proceedings.

Please provide as much information as you can for each person/organisation:

1. Title: _____ Initials: _____ Surname/organisation name: _____

First name: _____ Date of Birth: ____ / ____ / ____

Involvement in the proceedings _____

2. Title: _____ Initials: _____ Surname/organisation name: _____

First name: _____ Date of Birth: ____ / ____ / ____

Involvement in the proceedings _____

3. Title: _____ Initials: _____ Surname/organisation name: _____

First name: _____ Date of Birth: ____ / ____ / ____

Involvement in the proceedings _____

Why does your client need separate representation?

Have any of the other parties applied for legal aid?

Yes No Don't know

If yes, please state the name(s) and if known the LAA reference number

Name: _____ LAA ref number: _____

Name: _____ LAA ref number: _____

Attempts at settlement

⁴ Do not complete this section for applications to register foreign orders or judgments as described in Regulation 11(9) of the Merits Regulations.

Please state what attempts have been made so far to settle the matter through negotiation, mediation or otherwise and the outcome of these. **Copies of any relevant correspondence must be attached.**

Please state exactly what has been offered by the other party to settle the matter and what your client is seeking:

Court details

Has any court action started?

Yes

No

If yes, please answer the following:

Name of court

4 State whether Family Court, High Court or Court of Appeal

Date divorce or judicial separation petition or petition for dissolution of civil partnership issued ____ / ____ / ____

Date any other court action/application started ____ / ____ / ____

Date of next hearing ____ / ____ / ____

Purpose of next hearing:

Court Case Number _____

Has your client attended court on any family matter in the last 12 months?

Yes

No

If yes, please give details.

Injunction and Committal

What is the application for legal aid for?

Non-molestation order

Representation on exercise of power of arrest

Occupation order

Forced Marriage Protection Order

Warrant of arrest

Committal order, if so what type of order has been breached:

Other Injunction _____

Is the injunction or committal being sought under:

Part IV Family Law Act 1996

Protection from Harassment Act 1997 (family case)

Other 4 please give details _____

Are the proceedings in relation to a 'family dispute' as defined in the Merits Regulations?

Yes

No

If there is an existing order, tell us the date: ____ / ____ / ____ (attach a copy)

Injunction and Committal continued

Details of most recent incident _____

Has a warning letter been sent? Yes No

If not, why not? _____

Have the police been notified? Yes No

If not, why not? _____

Are there any criminal charges? Yes No

If yes, please give details _____

Have bail conditions been set? Yes No

If yes, please give details including date conditions are likely to end, if known: _____

Financial and property

4 Legal aid is only available under paragraph 12 of Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 if the domestic violence evidence requirements set out in regulation 33 of the Civil Legal Aid (Procedure) Regulations 2012 are satisfied.

4 One of the required pieces of evidence must be attached to the application.

Please state what evidence has been attached and submitted:

What is the application for legal aid for?

- An order to freeze assets
- Periodical payments order for your client
- Periodical payments order for the child(ren)
- Variation of an existing periodical payments order
- Order for a lump sum payment for your client
- Order for a lump sum payment for the child(ren)
- Order transferring property or changing your client's rights to the property
- Order transferring a tenancy
- Proceedings under Section 14 Trusts of Land & Appointment of Trustees Act 1996
- Proceedings under Schedule 1 Children Act 1989
- Enforcing an order
- Other 4 please give details

Actions involving children

The application for legal aid is for:

- | | |
|---|--|
| <input type="checkbox"/> Child Arrangements Order (who the children will spend time with) | <input type="checkbox"/> Child Arrangements Order (where the children will live) |
| <input type="checkbox"/> A specific issue order | <input type="checkbox"/> A prohibited steps order |
| <input type="checkbox"/> A parental responsibility order | <input type="checkbox"/> Changing a section 8 order |
| <input type="checkbox"/> An adoption order | <input type="checkbox"/> Wardship/Inherent jurisdiction |
| <input type="checkbox"/> Section 31 care or supervision order | |
| <input type="checkbox"/> An order under the Child Abduction and Custody Act 1985 | |
| <input type="checkbox"/> Other _____ | |

The case will be dealt with under:

- Children Act 1989 Adoption and Children Act 2002

- 4 Note that for most private law applications legal aid will only be available if evidence is provided of domestic violence or that the child is at risk of abuse as set out in the regulations 33 and 34 of the Civil Legal Aid (Procedure) Regulations.
- 4 For cases concerning the unlawful removal of children there are no prescribed evidential requirements but full details of the case must be provided on page 10.

Where evidence is attached please state the nature of this:

- 4 This should be completed in any case where the existence of children is relevant, including in relation to financial issues and property.

Children's details

Name:	Date of birth:	Who they live with:
_____	____/____/____	_____
_____	____/____/____	_____
_____	____/____/____	_____
_____	____/____/____	_____

Your client's relationship to the children: _____

The other party's relationship to the children: _____

If your client is a child applying to be joined give full details why this is justified in the statement on page 10.

If there is an existing order, tell us the date: ____/____/____

(attach a copy of the order and any relevant previous orders)

How will any existing order be affected e.g. changed, enforced, or extended?

Statement of case

4 It is not necessary to complete this section in full for applications to register foreign orders or judgments as referred to on page 5 but you must attach the confirmation from the child abduction unit or REMO section at the office of Official Solicitor and Public Trustee and, in maintenance/enforcement cases, confirm that the application falls within regulation 11(9) of the merits regulations 2012.

Background information and history

You will need to include what has happened so far, personal information including the parties involved, their relationship and all key dates. If previous proceedings involve the same relationship or children, please provide details of these and explain why these current proceedings are necessary.

What is the client's position, what they are seeking and why? You must provide sufficient information to satisfy the criteria set out in the merits regulations and criteria applicable to the case including the benefit likely to be obtained.

Exercise of Delegated Functions

Why is this case considered to satisfy the emergency criteria in the procedure regulations 2012.

Tell us the date you granted a certificate for emergency representation to your client:

____ / ____ / ____

Give a brief description of the proceedings and the wording code(s) you used for them:

Give us a brief description of the scope, limitations/condition(s) and tell us the wording code(s) you used for them. The standard cost limitation will apply unless a higher figure is provided and can be justified.

Costs (£1350) or costs non standard - insert figure £ _____

Time limitation (4 weeks or earlier grant of full certificate)

} Mandatory

Scope Limitation (what urgent steps you have covered):

Part IV Family Law Act - **applicant** - including representation on the return date (AA010)

Part IV Family Law Act - **respondent** limited to all steps up to and including representation at a specific hearing - give the date ____ / ____ / ____

Children Act - **applicant** - apply for interim order, including representation on the return date where the application is made without notice.

Children Act - **respondent** - limited to all steps up to and including representation at a specific hearing - give the date ____ / ____ / ____

Other (please give details and code(s))

Note: an emergency certificate must not be granted where there is an existing certificate capable of amendment to cover the additional work required.

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

Declaration to be signed by the applicant

My solicitors have given me to keep:

4 The Legal Aid Agency's leaflet 'Paying for your Legal Aid'.

My solicitors have explained the legal aid statutory charge to me. **In particular, my solicitors have advised whether there is a risk that at the end of my case, I will have to accept an interest - bearing charge on my home.**

As far as I am aware, all the information I have given is true and I have not withheld any information. I understand that if I give false information or withhold 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: ____/____/____

This declaration must be signed by the applicant

Certification

I certify that:

- 4 I have explained to the client their obligations and the meaning of their declaration.
- 4 I have given to the client to keep the LAA's leaflet referred to in their declaration and have explained the statutory charge to them.
- 4 I have provided as accurately as possible all the information requested on this form.
- 4 My offices Standard Civil Contract authorises Licensed Work in the proceedings to which this application relates (or a Standard Crime Contract and the application relates to Civil Work).

Signed: _____ Date: ____/____/____
authorised litigator

Name: _____

Representative Nomination Section

Consent for disclosure of information to a client's nominated representative.

4 Please complete this section in block capitals **if you wish to nominate someone** other than your solicitor to contact the Legal Aid Agency to discuss your case on your behalf.

Your Full Name: _____ Date of birth: _____

The full name of your nominated representative:

The relationship between you and your nominated representative:

Nominated representative's date of birth: ____/____/____

4 Your nominated representative **MUST** give their date of birth when contacting the Agency.

Authority

I hereby give authority for the Legal Aid Agency to disclose any information about my legal aid to the above nominated representative when contacting the Agency on my behalf.

I undertake to advise the Agency if, at any time, I wish to withdraw this authority.

Signed: _____ Date: ____/____/____

Enclosures

Any enclosures should not be the originals, except the means assessment and L17 forms.

The enclosures sent in support of this application are:

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> relevant correspondence | <input type="checkbox"/> expert's opinion | <input type="checkbox"/> agreements or memoranda of understanding | <input type="checkbox"/> notice of application |
| <input type="checkbox"/> court order(s) | <input type="checkbox"/> CIVMEANS1 | <input type="checkbox"/> CIVMEANS1A | <input type="checkbox"/> CIVMEANS1B |
| <input type="checkbox"/> CIVMEANS1C | <input type="checkbox"/> CIVMEANS1P | <input type="checkbox"/> CIVMEANS2 | <input type="checkbox"/> CIVMEANS3 |
| <input type="checkbox"/> CIVMEANS4 | <input type="checkbox"/> CIVMEANS5 | <input type="checkbox"/> client's L17 | <input type="checkbox"/> partner's L17 |
| <input type="checkbox"/> ECF1 | <input type="checkbox"/> 3 months bank statements | | |
| <input type="checkbox"/> Evidence of domestic abuse as set out in the Procedure Regulations | | | |
| <input type="checkbox"/> Central Authority Letter, registration of foreign orders/judgments, European convention or Brussels II A only. | | | |
| <input type="checkbox"/> other (give details) _____ | | | |