



Legal Aid  
Agency

# Application for Inquest Exceptional Case Funding

Use this form to apply for “other legal services” for advocacy at an Inquest touching upon the death of a family member and associated legal help.

For Official Use Only

Tag No: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

There is no necessity to send in any other forms (means or ECF1).

Urgent application? Yes No

If you have ticked yes above, please provide any inquest hearing date and explain the urgency.

Inquest date \_\_/\_\_/\_\_\_\_

Further explanation

Prior to completing this application, you should refer to the [Lord Chancellor's Exceptional Funding Guidance \(Inquests\)](#).

Email form and enclosures to: [ContactECC@justice.gov.uk](mailto:ContactECC@justice.gov.uk)

**IMPORTANT - URGENT CASES:** Delegated functions may not be used with an application for Exceptional Case Funding. Emergency certificates cannot be issued for Exceptional Case Funding.

The Director of Legal Aid Casework has the discretion to backdate the effective date of a certificate. To be considered you **must** answer the relevant questions in this form.

Your client will not be deemed to have been granted legal aid unless and until the Director has made a decision to grant. To apply for us to consider the matter as urgent please explain the reasons, for example, an inquest hearing is scheduled to take place within the next 25 days. Ordinarily attendance at a PIRH will not be considered to be an urgent situation.

**Any advocacy work done prior to a decision on an unsuccessful application will not be remunerated.**

## Type of case

Please refer to **Standard Civil Contract Category Definitions** available on [Gov.uk](https://www.gov.uk)

What category of law/contract category is relevant to the case?

## Categories of Law for which Legal Aid Contracts are tendered.

Does your office have a contract that allows you to do legal aid work in this category of law for which you are applying for funding?

If you are not a contract holder in the required category of law stated above, please explain why it is necessary for the effective administration of justice for you to conduct the matter pursuant to regulation 31(5) (a) - (d) of the Civil Legal Aid (Procedure) Regulations 2012:

**Note if you hold a standard civil contract and the work does not fall into a contract category, you do not need to complete this section.**

## Your client's details

Completion of this section is compulsory. Please complete in **BLOCK LETTERS**.

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

Surname: \_\_\_\_\_

First name: \_\_\_\_\_

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

Date of birth: \_\_\_/\_\_\_/\_\_\_\_\_

NI Number: \_\_\_\_\_

Address: \_\_\_\_\_

Town: \_\_\_\_\_

County: \_\_\_\_\_ Postcode: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Correspondence address (if different): \_\_\_\_\_

Town: \_\_\_\_\_

County: \_\_\_\_\_ Postcode: \_\_\_\_\_

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 LETTERS**)

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

\_\_\_\_\_

\_\_\_\_\_

# Equal opportunities monitoring

Completion of this section is voluntary. This will be treated in the strictest confidence and will be used purely for statistical monitoring and research.

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
- (b) Caribbean
- (c) Black African
- (d) 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 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

Mobility impairment

Deaf

Hearing impaired

Visual impaired

Blind

Long-standing physical illness or health condition

Other

Unknown

Prefer not to say

## Provider details

Account number:

Roll number:

Name of organisation: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

Name of authorised litigator instructed: \_\_\_\_\_

- ▶ 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: \_\_\_\_\_

## Exceptional cases criteria

- ▶ Please provide the following information for the Director of Legal Aid Casework to consider whether Exceptional Case Funding should be provided under section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ('the Act')

## Part A - Article 2 ECHR inquest

1. Set out the relationship of the applicant to the deceased.

Give details of any other family members who have separate representation.

Have you provided legal help to the applicant in this matter?      Yes      No

2. Do you consider that there is an arguable breach of the Government's substantive obligation under Article 2 ECHR to protect life?      Yes      No      Go to Part B on page 8

Has the Coroner made a determination that the inquest will be a 'Middleton' inquest?      Yes      No

Please describe why you consider there is an arguable breach of the substantive obligation.

## Article 2 ECHR inquest continued

3. If you consider there has been an arguable breach of the substantive obligation, is funded representation for the family of the deceased required to discharge the procedural obligation?
- i. Please describe why funding is required with particular reference to the factors set out in the Lord Chancellor's Guidance on Inquests, namely:
    - the nature and seriousness of the allegations against the state;
    - the particular circumstances of the applicant; and
    - whether previous investigations have taken place and whether the family has been involved in such investigations
  - ii. If investigations are in progress, please tell us the status of the investigations and when you expect the outcomes to be known.
  - iii. If another family member has separate representation, please explain why funded representation for the applicant is necessary to protect article 2 rights?

- ▶ If the views of the Coroner concerning the necessity of representation are known, please attach any relevant correspondence or rulings/ directions.
- ▶ Please submit copies of all available reports concerning the death.

4. Please specify any additional information that is relevant to the question of whether exceptional case funding should be made available under Article 2 ECHR.

## Part B - Wider Public Interest Inquest

Please refer to paragraphs 26 to 35 of the [Lord Chancellor's Exceptional Funding Guidance \(Inquests\)](#)

1. Do you consider that advocacy for the applicant in the inquest is likely to produce significant benefits for others?                      Yes                      No.    Go to page 10

Describe the issue or issues in the case that have the potential to produce real benefit for members of the public other than the client and family.

2. Please identify which group or section of the public may benefit from raising these issues and the approximate number of people affected.



**Part B - Significant Wider Public Interest Inquest** (continued)

3. Please describe the nature of the potential benefit.

[Empty response box for question 3]

4. Please demonstrate that representation is necessary to obtain the benefits that may arise.

[Empty response box for question 4]

# 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)

## Declaration to be signed by the applicant

My solicitors have given me to keep 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 know, 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:

- ▶ I have explained to the client their obligations and the meaning of their declaration.
- ▶ 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.
- ▶ I have provided as accurately as possible all the information requested on this form.
- ▶ My offices CLA Contract authorises Licensed Work in the proceedings to which this application relates, or a Standard Crime Contract and the application relates to Civil Work, or this is an application for exceptional case funding under a single contract and my organisation holds a LEXCEL or SQM quality standard.

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

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

## Representative nomination

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

- ▶ Please complete this section in BLOCK LETTERS 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: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

- ▶ **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.

The enclosures sent in support of this application are:

Article 2 submissions

Expert reports

Witness statements

Counsels opinion

Independent reports

Coroner ruling/views/direction