

Information and guidance on the use of the CRM4a form

Background

In early 2015 Sir Brian Leveson reported back with his recommendations on increasing the efficiency of the Criminal Justice System

Sir Brian Leveson recommended that the LAA consider how the liaison between the HMCTS and the Agency could be improved thus speeding up the production of expert reports for court cases, the recommendation reads:

When it is appropriate, in a publicly funded case, at an early hearing or in writing, a fully explained application should be made for expert evidence and, bearing in mind the impact on public funds and the obligation to deploy limited resources proportionately, the court should be prepared to provide a reasoned decision as to whether it is justified: this could be done by email or following a video hearing. If it is, that direction should be regarded by the Legal Aid Agency as strong evidence to support the application such that if it decides not to grant funding, it must provide full reasons which must be passed to the relevant court.

In light of this, and in consultation with HMCTS the LAA have trialled and introduced the CRM4a to be used as an annex for the Prior Authority application process; this extra detail from the court will make the process run smoother.

When should this form be used?

Like the process of Prior Authority itself the use of the form is **not mandatory**; however it is designed to facilitate better communication between the court and the LAA and will help in those circumstances in which there is a potential issue with an application or if the request is unusual or novel.

It should be borne in mind that the LAA will still be required to consider the rates of fees for the expert and are bound by these. They can be found in Schedule 5 of the Criminal Legal Aid (Remuneration) Regulations (as amended) 2013 on the following website:

www.legislation.gov.uk

How and whom completes this form?

The case details (UFN etc) will be completed by the Provider/solicitor who will then ask the Legal Advisor/Judge to briefly note why they consider that the report is required, they can then sign/stamp the form (depending on the availability of a court stamp). The form can be completed whilst at court

The form itself has been designed to be very easy to fill out and shouldn't require a large amount of fee earner/court staff resource to complete.

Alternatively the provider can E-mail the form to the court who can sign/stamp and E-mail a scanned copy back to the Provider for use with their application for Prior Authority.

How is the form used once completed?

The form can be annexed to the CRM4 online application; scanned in as an attachment. LAA caseworkers will consider this extra information with the CRM4 and will be able to better liaise with both the Provider and the Court if funding has not been granted.

What happens once an application for Prior Authority with a CRM4a attached is processed?

The LAA will process the application in the normal manner, the decision will be E-mailed to both the Provider and the Court. The LAA will use the E-mail provided by the Court on the form.

Who should I E-mail if I have a question on this or Prior Authority applications?

Providers can E-mail the Criminal Finance Team on:

criminalfinance@legalaid.gsi.gov.uk

HMCTS staff can use the following E-mail:

CTDD-crimesupport@hmcts.gsi.gov.uk