



**Legal Aid
Agency**

Legal Help - INQUEST

Application for Non-Means Legal Help in an inquest into the death of a family member.

Email completed form to ContactECC@justice.gov.uk

In the heading, please insert 'CW1 Non-Means Legal Help Application'.

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 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 ☐

Visually impaired ☐

Blind ☐

Long-standing physical illness or health condition ☐

Other ☐

Unknown ☐

Prefer not to say ☐

► 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: _____

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 (town): _____ Job: _____

Current address: _____

Postcode: _____

Provider Details

Name of provider: _____
Address of provider: _____

Postcode: _____
DX (with exchange): _____
Telephone number: _____ Contract number: _____

Case Details

1. Inquest touching upon the death of: _____
2. Applicant's relationship to the deceased: _____
3. Are you aware of other family members with Legal Help or Representation?
Yes ☐ If yes, provide details: _____
No ☐

The overarching test is whether, based on the available evidence, the LAA considers that if the applicant were to make an application under section 10(2) or (4) of LASPO 2012 for representation at the inquest, the application would be reasonably likely to succeed.

4. Please provide the key facts of the case:

5. Please describe any applicable ECHR rights and why it is reasonably likely an ECF application based on Section 10(2) LASPO 2012 would succeed. It may assist, if available, to supply any relevant investigation reports or information from the coroner.

6. Based on the available information and evidence, please describe how there is significant wider public interest in this inquest. It will assist to refer to and provide information about paragraphs 26-35 of the Lord Chancellor's Exceptional Funding Guidance (Inquests).

7. Please provide any information relevant to the merits criteria in Regulation 45 Civil Legal Aid (Merits Criteria) Regulations 2013, having regard to the Lord Chancellor's Guidance under Section 4 LASPO 2012, at 7.27.

Backdating funding

8. From what date do you request the non-means funding to begin? ____/____/____
9. What circumstances do you wish us to consider for this request?

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

Client's Certification

Please tick the box below which applies to you:

☐

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

☐

I have already received legal help from a solicitor or contracted provider on this matter. If so, please state when:

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: _____

Legal Help and Help at Court

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 by you or your firm before the signature of the form.

☐

Claimed for outward travel before the signature of the form.

☐

Accepted a postal application.

☐

If you have ticked any of the above boxes, please provide the circumstances justifying this in accordance with the relevant Rule in the Contract Specification.

Time spent and costs

Item	Time Spent
1. Attendance	_____
2. Preparation	_____
3. Travel and Waiting	_____
Total:	_____

Item	Number
1. Letters written	_____
2. Phone calls	_____

Total Profit Costs £_____ **VAT** £_____

Value or amount of contractual or statutory charge £_____

Disbursements

	Amount	VAT
Mileage	£_____	£_____
Other disbursements	£_____	£_____
Total	£_____	£_____

Date _____

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 which 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.

The totals for profit costs and disbursements from this form should be the same (after adding VAT and net of the amount of the statutory charge and any payment on account) as those reported by you in relation to the matter on the Consolidated Matter Report Form

Provider Certification

I certify that:

- ▶ I am able to act in this matter under the competence standards set out in my firm's legal aid contract; and my organization is currently trading and no Law Society intervention or other sanction prohibits me from acting in this matter.

Signed: _____ Date: ____/____/____
(Authorised litigator)

Name: _____